

California State Archives
State Government Oral History Program

Oral History Interview

with

ROSS JOHNSON

Assemblyman 1978 1995

Senator 1995 2004

November 14 2003

January 9 2004

May 7 2004

By Lawrence B de Graaf
Center for Oral and Public History
California State University Fullerton

RESTRICTIONS ON THIS INTERVIEW

None

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INTERVIEW HISTORY

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Interview Time and Place

November 14 2003

Senator Johnson s office in Irvine California

January 9 2004

Senator Johnson s office in Irvine California

May 7 2004

Senator Johnson s office in Irvine California

The considerable span of time between sessions was due to Senator Johnson s being in the Senate during this period and serving in time demanding capacities including the final budget reconciliation committee in 2004

Transcribing/Editing

All transcribing was done by Suzanne Walter Audit editing of the transcript against the tape was done by Lawrence de Graaf A second edit and proof reading following the narrator review and addition of notes were done by Lawrence de Graaf Suzanne Walter encoded all changes into the transcript The table of contents biographical summary and interview history were prepared by Lawrence de Graaf

Senator Johnson reviewed the edited transcript and returned it to the Center for Oral and Public History with corrections and clarifications He made few additions to the text of the interview These as well as clarifications by the editor are indicated in brackets

Interview Preparation

Preparation included a review and abstracting of all articles on Ross Johnson from the start of his legislative career through 2002 found in the *Los Angeles Times*. This was prepared by Jon Lewis, a history student at Cal State Fullerton. Research on the operations of the legislature and policy areas in which Senator Johnson was active were done in various journals, especially *California Journal*, state government reports, and newspapers. Research on specific legislation and preparation of notes relied on the *Assembly Final History*, *Senate Final History*, and *California Statutes and Code*.

Papers

Ross Johnson through his legislative career wrote occasional editorials and opinion pieces for various media. Some of these can be found on his web site. He also acted as a correspondent to Governors Deukmejian and Wilson on the recommendations of the party in the legislature on important bills. These letters should be found in the public papers of those governors. Requests have been made to Senator Johnson concerning his personal papers.

Tapes and Interview Records

Tape recordings of the interview, along with records related to the interview, are in the archives of the Center for Oral and Public History at Cal State Fullerton. Master tapes are preserved at the California State Archives.

BIOGRAPHICAL SUMMARY

Ross Johnson was born James Ross Johnson on September 28 1939 in Drake North Dakota. His parents James and Joyce Johnson resided in Anaheim in Orange County California, where he was raised and went through public school. He graduated from Anaheim High in 1957 by which time he had already begun employment as an ironworker. He attended Orange Coast College then Cal State Fullerton. His college education was interrupted by two years of service in the Navy 1965-67 at the end of which he returned to CSF and completed his B.A. in History. In 1967 he also married his wife Diane who has borne two daughters Susan and Molly.

Senator Johnson's political experience began at an early age. He had been active for the Republican Party in several campaigns dating from the 1950s. While in college he had been active in the Orange County Young Republicans and subsequently the Orange County Citizens for Law and Order which tracked the records of judges. He served as president of each group. This activity brought him to the attention of Assemblyman Jerry Lewis who hired him as an aide from 1969 to 1973. He also served briefly as an aide to Senator James Whetmore. He entered Western State College of Law in 1975 graduating with a J.D. and passing the bar in 1977.

In 1978 Ross Johnson ran for the Republican nomination for the 69th Assembly District seat being vacated by William Dannemeyer. Remaining comparatively little known and relying mostly on personal funds he ran a "stealth" campaign to secure the Republican nomination then was victorious in the November election partly by closely aligning himself with Proposition 13. He entered the legislature as one of sixteen Republican freshmen who would significantly affect the direction of the party and the tenor of politics in Sacramento.

Re-elected regularly from what after 1982 was the 64th A.D. Johnson was named Republican Assembly Whip in 1981 and vice chairman of the Republican Caucus in 1983. One major interest was legislative reform. He worked on several reapportionment committees. In 1984 he authored Proposition 40 which proposed campaign funding limits. He continued this effort into Proposition 73 in 1988 and Proposition 34 in 2000. His interest in curbing state spending led him also in November 1984 to put forward Proposition 41 to limit state welfare grants. Earlier that year he helped draft Proposition 24 to reform practices in the legislature and cut its internal spending. His leadership role among Assembly Republicans culminated in his election in November 1988 as minority floor leader. One of his first efforts in this position was to align Republicans with the Gang of Five Democrats in an unsuccessful effort to remove Willie Brown as Speaker. In 1991 he resigned as minority leader.

During his Assembly years Johnson was also active in anti crime legislation, being a co author of the Three Strikes law as well as one draft of the ballot proposition on that subject that passed in 1994 Through much of his legislative career he incrementally secured the state acquisition of what became Chino Hills State Park

In 1995 facing the end of his career due to term limits he moved to Irvine to seek the vacated seat in the 35th Senate District Victorious in a special election he soon became Republican Caucus chairman and in 1998 became the senate minority floor leader At that time Johnson was the only person to have served as minority leader in both houses of the legislature He resigned this position in 2000 due to illnesses in his family He remained active to the end of his senate career serving on the joint budget committee in 2004 before term limits ended his legislative career

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[Session 1, November 14 2003]

[Begin Tape 1 Side A]

de GRAAF Let s begin with some biographical background When were you born?

JOHNSON Nineteen thirty nine September 28th

de GRAAF In North Dakota?

JOHNSON North Dakota that s right My parents were living in southern California My mother was from North Dakota, my dad was from west Texas I was born while my mother was visiting her parents in North Dakota so it says North Dakota on my birth certificate The first five weeks of my life I lived in North Dakota but then came back to Orange County California

de GRAAF That s where you

JOHNSON went to school, yeah

de GRAAF Okay Your father was an ironworker?

JOHNSON No I was the ironworker My father was a carpenter He was a union carpenter I became an ironworker between my junior and senior years in high school For \$250 and a fifth of whiskey I became a journeyman ironworker That meant since the ironworkers had a better contract than the carpenters I at the age of sixteen was earning more than my father was earning

de GRAAF Interesting Now your given name was something Ross wasn t it?

JOHNSON James Ross Johnson That's correct

de GRAAF And when did you drop the James?

JOHNSON My [Chuckles] My mother's maiden name was Ross so my full name is James Ross Johnson My dad when he enrolled me in the first grade I never attended kindergarten enrolled me as Ross I believe in an effort to curry favor with my maternal grandparents It made life very interesting for me for the first few weeks in school because nobody bothered to tell *me* [Chuckles] So the teacher would call on this Ross who I concluded was a real dolt because I knew the answer to the question I'm looking around for this Ross And it took quite a while before I figured out that was me So I've been known as Ross all my life since I entered the first grade

de GRAAF Whereabouts in Orange County did your parents live?

JOHNSON Anaheim

de GRAAF And you've always lived in Orange County?

JOHNSON Uh huh Well for a couple of years I worked for then Assemblyman now Congressman Jerry Lewis so we lived in Redlands Our two daughters were born in Redlands Then I came back to Orange County

de GRAAF Now going on to college did you do all your undergraduate work at Cal State?

JOHNSON No I attended Orange Coast College directly out of high school so I began there in the fall of 1957

de GRAAF And you were a history major What did you intend as your career when you took that major up?

JOHNSON I was in athletics in high school as a swimmer played water polo also at Orange Coast College And I thought that I might very well wind up as a high school coach I gravitated toward history classes I was a poor student, but I seemed to consistently do better in the history classes so I sort of gravitated towards history Very frankly while I was a student at

Cal State Fullerton then Orange County State College I took a few education classes and they so turned me off that I gave up any thought of ever being a teacher I was a volunteer coach I coached at my old alma mater Anaheim High I coached water polo and swimming there for a couple of years was an assistant coach But I gave up any notion of that because to be a teacher I had to take these courses that seemed to me at the time to be silly

de GRAAF Did your education your history major and others have any influence on your interest or your thinking in politics?

JOHNSON No I think that my political views were pretty clear even early on I can recall sitting around our little ten inch black and white television watching the '52 convention and rooting for [Robert A] Taft or [Douglas] MacArthur I went down after [Dwight D] Eisenhower won the nomination to the Republican headquarters in Anaheim and paid fifty cents for my 'I like Ike' button I always had an interest in politics and I think I had a pretty clearly defined political philosophy

de GRAAF Now this is in spite of the fact your father was both a union member and, I understand, a Democrat?

JOHNSON Yeah My dad was a Democrat but my mom was a North Dakota Republican My dad was a west Texas Democrat which is a sort of a different breed of cat Now he I'm sure almost always voted a straight Democrat ticket but he was in terms of his personal political philosophy much more conservative I can remember when [Barry] Goldwater ran for president in '64 going by and getting into these long discussions with my dad and issue after issue after issue whether we were talking about Social Security or the TVA [Tennessee Valley Authority] or national defense issues Issue after issue he agreed with Goldwater and disagreed with

[Lyndon B] Johnson [Laughter] 'So you're going to vote for Goldwater right? No, he's a son of a bitch But in terms of his philosophy he often The union newspaper would come and he believed a lot of that stuff But no he was certainly no liberal

de GRAAF Now you were briefly in the navy 65 to 67 Did that interrupt your college?

JOHNSON Yes I did two years of active duty They say join the navy and see the world I saw the freeway between Anaheim and El Toro where I was stationed I was two years as a hospital corpsman at El Toro I'd been in the navy reserve Then I came back and finished up after I got out of the navy I guess I actually graduated from Cal State Fullerton in 67

de GRAAF And shortly after that you also picked up a wife?

JOHNSON That's right Diane And I think I met her in one of your classes

de GRAAF That was my recollection too but I wasn't sure And you have two children?

JOHNSON Uh huh Susan and Molly

de GRAAF Now did you go on to law school right after Cal State Fullerton or was there a gap?

JOHNSON Oh no no no As I mentioned I worked as an ironworker I did that off and on I worked at a variety of other jobs and eventually graduated from Cal State Fullerton Then in January of 1969 I went to work for then newly elected Assemblyman Jerry Lewis who represented a district in San Bernardino County So I ran both his district operation and his capital operation for oh four and a half years or so

de GRAAF That was a full time job?

JOHNSON Oh yes Then I came back to Orange County and I ran Well for a very brief time I worked for Jim [James] Whetmore who was the state

senator who represented Orange County at the time I did not hit it off well with Senator Whetmore We parted on good terms but I worked for him for only a few months Then I managed Marlin McKeever's campaign for the assembly here in Orange County That was in '74 He lost to [Assemblyman] Dick [Richard] Robinson

I certainly decided by that point in time that I was going to make a career out of politics and I thought I'd like to run for office at some time But I also thought and my wife agreed that that's a chancy business and I should have something to fall back on apart from being an ironworker So I attended Western State College of Law I started in early '75 and then took the bar in July of '77 But by the time the results of the bar were known I think that was late October or early November I was already putting together a campaign for the state assembly so I never practiced law

de GRAAF You have not practiced law while you've been in the assembly or the senate?

JOHNSON Oh no no I always say I don't criticize those who do but for me being a legislator is a full time job

de GRAAF Now prior to this you also had some other political experiences I think One thing at Cal State I believe you were with the Orange County Young Republicans In fact, you were president of that organization?

JOHNSON I was president of the Orange County Young Republicans

de GRAAF What sort of an organization is that?

JOHNSON [Chuckles] I would highly recommend to anyone who thinks they might like to run for elective office or be involved politically as a Republican I'd highly recommend the Young Republicans But my very strong advice is for God's sakes don't do it too long because you get caught up in the

ridiculous bitterness and battles over nothing worrying about passing resolutions about the Panama Canal instead of electing people to city councils and school boards in their own community which is what a political operation *should* be doing Yes I was the Orange County chairman for a time and then moved on

de GRAAF Did that have much of an impact on your subsequent career?

JOHNSON Only in the sense that I had a leg up in getting the job with Jerry Lewis Pete Schabarum was in the assembly at that time and he had an aide named Nick Quackenbush Not the Quackenbush that a different Quackenbush I knew this fellow through Young Republicans and he gave me an introduction to Jerry Lewis and that's how I got the job

de GRAAF There also was an organization and in fact you were president of that also called the Orange County Citizens for Law and Order

JOHNSON That's correct

de GRAAF What was that?

JOHNSON It was an organization founded by a retired I believe he was an air force colonel in Oakland What the organization sought to do was to publicize the sentencing practices of judges There was no way for an average citizen to know which judge was handing out what kinds of sentences and it involved literally having volunteers go to the courthouse and copy down rulings and so on His name was Earl Hunting and he had come down to Orange County in an effort to start an Orange County chapter I happened to see a little item in the paper so I attended in October 1977 this organizational meeting and was initially elected vice president Then in a short period of time the president resigned so I was the president of the organization and was involved in that for a year or so I guess it was I thought it was a worthwhile effort It was reflective of a

part of my political philosophy I mean if you strip away everything that government does to and for people like you peel it away as you would the layers of an onion if there's one final irreducible that government should be involved in it's the protection of people, their life and property law enforcement That's part of my philosophy

de GRAAF Now getting back to your service as a legislative aide first of all was it common for future legislators to cut their teeth so to speak by serving as legislative aides?

JOHNSON Absolutely And that was a dramatic change Previously let's say when I was a kid growing up in the fifties and even into the early sixties people who were elected to the legislature by and large were community leaders They might be members of the local city council or they might be well known business or professional persons in the community That's how one built a base to run Under Jesse Unruh's time as Speaker of the Assembly there was a dramatic change in that and we can maybe talk in more detail later about this but there was a very dramatic shift away from decisions about who represented a community being made in that community to those decisions being made in Sacramento and the anointing of a candidate in Sacramento Sacramento deciding who would represent a given community

I can't recall the number but there was a time when more than a third of the members of the eighty member assembly were former staff members of Jesse Unruh in one way or another And that certainly then extended to Republican staff as well The most effective way to learn how the system operated and particularly the political fundraising was to be a staff person Clearly in my mind when I took the job was I wanted to learn as much as

I could about how it actually worked both politically and governmentally with the thought that at some point in time I would run for office

de GRAAF That's very interesting. Did you have any other pre-1978 political activities that are memorable or were important in shaping your later career?

JOHNSON No. Obviously, I campaigned for a number of Republican candidates. I can recall the [gubernatorial] campaign for Joe [Joseph] Shell in '62 in the primary against [Richard] Nixon, and then Nixon won the primary and I campaigned for Nixon who lost to [Edmund] Pat Brown in the general election. As a student, I campaigned for the candidates for the legislature from Orange County. But no, I was learning how one does campaign, what works and what doesn't. But the rules keep changing. [Chuckles]

de GRAAF Okay. Now going to actual running. Was it [Assemblyman William] Dannemeyer's decision to switch from assembly to Congress that led you to throw your hat in the ring, so to speak?

JOHNSON Absolutely. Dannemeyer, as you know, had served as a Democrat in the legislature from '62 to '66, and I've heard fascinating stories about that and how Jesse Unruh, in effect, tilted the '65 reapportionment to benefit Whetmore over Dannemeyer because Dannemeyer... I don't know if you're interested in this kind of stuff.

de GRAAF I am.

JOHNSON After I was elected to the assembly, I actually became pretty good friends with Jesse Unruh. We were kind of drinking buddies and we'd go sing along with the jukebox late at night. He told the story of Dannemeyer being just a constant thorn in his side and complaining. Dannemeyer raised hell about the wild life in Sacramento, the partying and the booze, and this and that. He had issued some kind of a press release complaining about

that and Jesse as he told the story the next day appointed Dannemeyer as the chairman of the Wild Life Preservation Committee [Laughter]

But then in the reapportionment there was the opportunity I mean you'll recall that was a court ordered reapportionment which amounts to 'one man one vote' Previously Los Angeles County had a single senator but this was 'one man one vote' and they had the opportunity to create a new senate seat You may recall that Jimmy Whetmore had been a musician

de GRAAF I didn't know that

JOHNSON In fact he had been like a society orchestra leader He actually had formed his own union in competition with the Musicians Union It was really so he could you know have anything from a sixteen piece orchestra to just himself with a piano for parties and stuff and that's how he supported himself for many years He also was an attorney by the time he got elected to the assembly in '62 at the same time as Dannemeyer We're getting kind of far afield But as Unruh told the story he tilted towards Whetmore in the creation of that senate seat and said At least Jimmy knows how to play a piano '

Then you may recall that Dannemeyer after that loss in '66 it was a matter of a couple of months after election that he re-registered as a Republican ran a couple of times for the assembly in central Orange County as a Republican and lost He came back in '76 and won what was considered quite an upset John Briggs was running his staff person at the time Andy [Andrew] Banks Andy Banks is now a superior court judge in Orange County Dannemeyer won but it was *very* clear during that campaign that the likelihood was that in a few years [Congressman] Chuck [Charles] Wiggins would not seek reelection and Dannemeyer was going

to run for Congress I can recall sitting with Diane I was in law school at this time and Diane was working as a librarian in Santa Ana

de GRAAF Diane is your wife right?

JOHNSON Yeah Mrs Johnson [Chuckles] It was very clear that Wiggins was not going to seek reelection This is during the period of time I think that I was studying for the bar so it was the fall of '77 I said "You know somebody can win this" I actually looked at the figures Ten thousand votes Somebody can win this You know probably if we had fifty sixty thousand dollars I'd have as good a chance as anybody" She said "I know what we can do We can sell the house" And that's what we did sold the house My whole I don't know how much of this

de GRAAF This is interesting It tells us for one thing what some beginning candidates will do to get into office or have to do to get into office

JOHNSON A race was developing between Rex Gaede who was the mayor of the city of Brea and Dannemeyer for Congress and for a number of months Gaede was actively campaigning for Congress getting set up to run for Congress Then Bob [Robert] Beaver who was a longtime political activist in the Republican Party from Fullerton hosted a little Saturday morning meeting in his home I remember reading the article in the paper Gaede acceded to the powers that be that he would drop down and run for the assembly rather than Congress From that point on it was treated as if that was kind of a coronation that he was the anointed one and he was going to win Again I don't know if this is of any interest at all but I determined to run an absolute stealth campaign I knew what I would have available and I knew that I could not hope to match what Gaede would have available to him if he knew and took me as a serious candidate

JOHNSON Now early on there's an ability to submit signatures in lieu of paying a filing fee. I ran the kind of campaign that people don't run. I never put out a single press release during my entire campaign. I didn't have a campaign headquarters. I didn't have a bumper sticker, a single button, or balloon, or funny hat. Nothing. It was all direct mail. But I had used professional circulators. My thought was at that stage I'll go out. And remember I told Diane it would probably take about ten thousand votes to get this nomination. My goal had been to get ten thousand signatures on the in lieu petitions. Well, we it turned out, had the wettest February in memory that year, and I actually collected about seventy-five hundred signatures, which I didn't tell anybody at the time.

Marian Bergeson was running for the assembly at the same time and a fellow by the name of Chuck [Charles] Gibson was running against [Assemblyman] Dennis Mangers from the assembly district down here along the coast. Both made a big deal that they submitted a few hundred signatures, since they didn't have to pay the entire filing fee. I never paid a filing fee because I felt a moral obligation to the people who had signed the petition. I didn't turn in the seventy-five hundred. I just kept mum about that. But that became part of the campaign to communicate with those people who had signed. That didn't mean they were committed to me. They didn't know who the heck I was, or anything, but someone had knocked on the door and asked them to sign a petition to get me on the ballot.

The *Orange County Register* wrote an article shortly before the time of the election. There were five Democrats running for the Democratic nomination and five Republicans running. One of the questions that they asked of all ten candidates was to predict the order of finish in both parties.

Nine candidates picked me to run last in the Republican primary. Only one of the ten said that I was going to win the Republican primary. That was me. I had a very sophisticated walk program and for the time a very sophisticated direct mail program where we had a series of five district wide pieces and then another series of targeted pieces.

de GRAAF: As I recall, the outcome was very close between you and Gaede.

JOHNSON: I think I won by. You know, time passes, but I think I may have been about a thousand votes victory over. The fundamental part of direct mail was aimed at Gaede, but I didn't ever mention his name. It was, "We must defeat the Brea city councilman who first tried to defeat Bill Dannemeyer for Congress before moving into this race." There were two Brea city councilmen. Sam [Samuel] Cooper was also a candidate that year. It was kind of twofer. I just didn't say which Brea city councilman it was. Oh, Sam was just furious, thought it was so unfair that I didn't say who it was. In fact, Sam ran against me in the general election. This was considered to be quite a swing district at the time, and he ran as a write-in and he got seven votes. I think I know exactly who the seven were. There was another fellow by the name of Ted Ponticelli in the primary, and he had a wife and three adult kids at home, and then Sam and his wife.

de GRAAF: That's interesting.

[End Tape 1 Side A]

[Begin Tape 1 Side B]

de GRAAF: As I recall, the district had a 47 to 45 percent Democratic margin in registration, yet you won 55 to 45 percent over Paul Bell. What would you say was the key to your general election victory?

JOHNSON Interestingly enough a perchance conversation in the hallway in Sacramento I mentioned about working for Jerry Lewis Jerry Lewis was walking down the corridor outside of the main assembly committee room 4202 and overhead a conversation among Dick Robinson [Assemblyman] Rick [Richard] Lehman and one other At any rate Jerry heard the remark that, 'Well he's not much of a candidate but he says he's got a hundred thousand dollars of his own money and if that's true Johnson could be in trouble This was in July Bruce Young was the other fellow And from that point on, I presumed that at some point in the race Paul Bell was going to put a hundred thousand dollars of his own money in and I conducted myself accordingly He had a winning campaign but I never let up I just put the handle down and kept going The money showed up He wasn't kidding But if it hadn't been for just the pure serendipity of Jerry Lewis overhearing that conversation the outcome might have been different

That year before I ran in the primary I had a conversation with Jerry Jerry was a friend and I worked for him for a number of years I talked to him about the campaign and what I thought I could do and presumed that I would have his help Then as happens Shirley Pettis announced she was not going to seek reelection so suddenly Jerry was not running for reelection to the assembly he was running for Congress So a lot of that help that I kind of was hoping for evaporated But I told him among other things that I'm going to support Proposition 13¹ And Jerry I'll never forget his response He said Well that's probably a pretty smart idea for a primary but remember you're going to have to live with that come the general election " My God It passed and Paul Bell tried to wrap

¹ Passed June 1978

himself in Proposition 13. But I endorsed it early. I had Howard Jarvis's endorsement in the primary and his endorsement in the general election. In fact, the mail that was done for me in the primary became the model of. I don't know. I think a dozen or so legislative races around the state where Republicans got these Howard Jarvis endorsement letters in the general election and they proved to be decisive in a number of races and Republicans actually picked up several seats as a result.

de GRAAF: Was that the big issue that you made in the campaign, Prop 13?

JOHNSON: Yeah, absolutely, first in the primary and again in the general election. I knocked on thousands of doors and it became very obvious to me Proposition 13 was going to pass, not because people were upset with local government, not just because of high taxes. This was a way to say to government generally, we want you to live within our means. We want to see some economy in government. More people talked to me about federal expenditures than ever talked to me about local. I heard constantly about the state of California having a six billion dollar budget surplus. People talked about that. You remember that after the primary Jerry Brown [governor] did a 180. Suddenly he was a born again tax cutter, so there were a lot of people, including Paul Bell, trying to wrap themselves in Prop 13 in the general election. But I had sort of the trump card there in Howard Jarvis's endorsement.

de GRAAF: To sort of wind up your election thing, granted it was a marginal district in '78. Did your assembly district become safer thereafter? Did you ever have any close votes thereafter?

JOHNSON: Never. In 1980 I had to run a bit of a campaign. Dick Robinson represented central Orange County in the assembly at the time, a Democrat. Again, serendipity. There was a fellow, I believe his name was Raul

JOHNSON Silva who was intending on running against Robinson as the Republican. This guy came into my capitol office. I spent maybe five minutes with him and left it at that and didn't give him another thought because I thought he was a sure loser at the time. But a staff member of Robinson's had seen him leaving my office and presumed therefore that I was behind his campaign. So Robinson determined that he was going to tie me up. A fellow by the name of Rick [Christien] Thierbach. Rick Thierbach's wife worked for Robinson. In the spring of 1980 on the same day Mr Thierbach rented an apartment in my district, walked into the Registrar of Voters about 4:30 in the afternoon, re-registered to vote at the apartment he had rented earlier in the day, and then filed his declaration of intent to run against me for the assembly. So I had to spend some money. But basically I've had to run [only a few contested elections]. Obviously my first primary was a highly contested thing, although I did it as totally a stealth candidate.

This may be interesting. Standing at the Registrar of Voters on primary election night were a couple of young Democrat activists reviewing very carefully the first printout coming out. They were looking at the then 69th District. "See, I told you Gaede was going to beat Cooper Johnson? Who in the hell is Johnson? A total stealth. It was a total stealth campaign, but obviously I had campaigned very hard that year in both the primary and the general election. I had to conduct somewhat of a campaign against Thierbach just to be on the safe side. But the honest truth is that in most years I paid my filing fee, and the monies that I raised I gave away to other Republican candidates and causes around the state. I was convinced that that was a logical extension of what I was attempting to do.

in the legislature and why I had to run. If there weren't more people who shared my political philosophy, I'd have gone nowhere.

de GRAAF: Incidentally, one clarification. When did your district become the 64th Assembly District?

JOHNSON: That would have been the '80 reapportionment. It was the 69th when I was elected. It's a petty reason. Technically, I wasn't the incumbent in that 64th Assembly District. So you look at the reapportionment map, and you had [Assemblyman] Chet Wray and Dick Robinson. Their numbers didn't change, but the other numbers did. It was just petty silliness.

de GRAAF: I just wanted to clarify that because I noticed you had those two districts.

JOHNSON: But the district became more Republican. It expanded to include the rest of Brea and Placentia, and it became more Republican. In '76, for a brief period of time, Orange County actually had a Democrat plurality countywide. In the wake of Watergate, Republican strength had dropped. Well, then it went steadily up, up, up again.

de GRAAF: Now I'd like to switch to a different theme, and I'd like to get back to it from time to time. The evolution of conservative views, you've said your own go a long way back, but I'd still like you to comment on some of the things that were going on. For one thing, the Orange County influences [Raymond] Hoiles and the [*Orange County*] *Register*, Walter Knott and his Free Enterprise Association. I'll take these as examples of what I might call 'old time' local conservatives. Were these still a big factor when you started holding office?

JOHNSON: No. When I was first involved in politics in Orange County, yes. It was really quite amazing if you think about it. People like Sy [J. Simon] Fluor of the Fluor Corporation, Arnold Beckman of the Beckman Corporation, Walter Knott. These were the people who, I mean, these were elected

members of the [Republican] County Central Committee back in those times and obviously very successful individuals who certainly in Mr Knott's case were quite conservative and committed to actually electing people to office as opposed to some of my conservative friends who would rather lose and raise hell than to win

The truth is by the time I was a candidate for office a number of these people were getting well along in years and it was a new crop of people. The Central Committee had become much more of a debating society. I don't mean to be derogatory but you know housewives and some engineers instead of the authentic community leaders which they had been previously. As far as the *Register* neither my family nor I I don't think I know I never subscribed to the *Orange County Register* until I was in office so it had no impact on me at all. I think editorially to this day I would not describe the *Register* as being conservative. I'd describe it as libertarian. They are basically anti government and anti politician. I share a lot of their views but not to the extreme that they went to

de GRAAF One thing that always comes up stereotypically with Orange County is the John Birch Society and the whole Communist conspiracy view. Again by the late seventies were they still any factor in Orange County politics?

JOHNSON By the time I ran for office no John Schmitz [state senator congressman] had been an active and involved member of the John Birch Society and he came back I guess to the legislature the same year I was elected '78. I don't think he ever renounced his membership in the Birch Society. As I was involved in the Young Republicans you had a faction of Ayn Rand Objectivists and some remnants of the Birch Society were also active and involved but they weren't like some of the black helicopter set there today. But no I can honestly say Maybe they were having their little John Birch

Society meetings somewhere but like the Young Republicans I was much more interested in how you actually win elections how you actually elect people I don't think that they had a clue

de GRAAF You commented on at least one election It seems to me there were at least four elections during the sixties and I'm wondering first of all what your role was in them You already mentioned the Nixon Shell primary What about the Goldwater [Nelson] Rockefeller primary of '64 especially the whole issue of extremism?

JOHNSON I was for Goldwater I think Goldwater took almost a perverse pleasure in in your face kind of statements By all accounts personally he was a very affable guy who got along great with John [F.] Kennedy when they served together in the Senate But he would do things like go to Florida to talk about things like doing away with Social Security or go to Tennessee and talk about selling off the Tennessee Valley Authority those kinds of things I thought a lot of what he talked about made sense but it was I think foredoomed certainly from the time of Kennedy's assassination I think then with the sympathy the reaction that set in he could not win

I can recall going by my parents' home in Anaheim My dad had a brand new color TV of which he was inordinately proud and I sat with him and saw the famous [Ronald] Reagan speech which as I recall was the week before the election I remember I had these conversations with my dad about Goldwater which always ended with I'm voting for Johnson He also was for [Lyndon] Johnson because of the Texas connection pride in having this Texan in the White House He watched the speech, the Reagan speech and when it was over he said "Now if he was running I'd vote for him And boy did that make an impression I mean that made

an impression on me. He was saying the same things albeit in a more positive way.

Anyway, I immediately set out after Goldwater's defeat to try and help organize a Draft Reagan for Governor Committee. I mean, I'm still a student at the time. But my dad was the forerunner of what became known as the Reagan Democrat. Reagan had that ability to communicate with people like my dad.

de GRAAF: Needless to say, when the '66 primary came around, you were supporting Reagan as opposed to [George] Christopher.

JOHNSON: Oh, absolutely. Absolutely. Strong supporter, and for not just the political philosophy, but for a very practical reason. Just as I supported, in the recent recall election, Arnold Schwarzenegger. I thought he could win. I thought Reagan could win. It's amazing, you go back and Pat Brown was eager, rubbing his hands at the idea of running against this B movie actor. Misread that one.

de GRAAF: Now, in the '68 elections, where did Nixon fit into your ideas of conservatism or republicanism?

JOHNSON: I supported Nixon, and I supported him early on in that campaign. Again, it seems to me that, notwithstanding that I had not supported him when he ran in the gubernatorial primary, I supported him in the general election. But I supported him early on in the [1968] primary. I thought he was the most electable.

de GRAAF: Later on, as president and governor, respectively, Nixon and Reagan took some positions: wage/price controls, tax withholdings in '72, that weren't exactly in the conservative lexicon. Were these at all disappointments to you?

JOHNSON [Chuckles] Oh absolutely Wage and price controls when Nixon proposed those and there were any number of things ranging from significant things like that to just silliness Remember the little operetta type uniforms that Nixon got for the White House guards? It just seemed anti American somehow the pomp and circumstance Reagan clearly said at the time that he was dragged kicking and screaming to [income tax] withholding as with the cost of living adjustments that he agreed to agreed to in welfare reform People had said that Reagan talked conservative but acted moderate and George W Bush today talks moderate but acts conservative I think there s some truth to that But no one is ever going to agree with me a hundred percent of the time I m not going to agree with anybody on the planet a hundred percent of the time If you and I agree on everything one of us is probably unnecessary

Sure there were disappointments On the other hand Reagan did enormous good for the Republican party just as Nixon and Watergate did enormous harm I had mentioned earlier that in 74 we ran a campaign for Marlin McKeever for the assembly but you would have thought that Marlin McKeever was sitting on Richard Nixon s lap as they planned the break in at the Watergate And there were hundreds and hundreds of Republican candidates all over the country who lost that year because of Watergate who knew nothing more about Watergate than what they saw on TV or read in the newspapers But it became an issue that was hung around people s necks running for everything from city council to governorships On the other hand Reagan wound up doing enormous good for Republican candidates When you were running a campaign standing next to Reagan was an enormous positive

de GRAAF Now briefly some of the national goings on in seventies and just up to the time you first ran I'd like you to comment on which of these you felt very strongly about and which ones may have helped to shape not only your but conservative views in general First the economic problems stagflation the energy crisis and some responses such as economic game plans and moral equivalents of war Was this a big factor in shaping your views or in your estimation shaping conservative views in general in the seventies?

JOHNSON No I can't honestly say they were Certainly my point of view as I mentioned I think I had a pretty well defined political philosophy and notions about the proper role of government very early in life I'm sure that if I'd kept the diary that I mentioned and I'd go back I could see a nuanced evolution of my political thinking over time But if those changes indeed were there they were so gradual so subtle They're not Oh boy! I woke up one morning and I realized this No I just can't say that that occurred to me personally no

de GRAAF How important was the pro life issue in your political views?

JOHNSON I think that's an issue that is so overrated There's no question that it hurt Republicans I've looked at an awful lot of survey research on that issue The truth is that there's a tiny faction less than 5 percent of either end of the political spectrum on that issue that really care about it There's slightly more on the pro life side than on the pro choice side But it's always the first question that a candidate for office is asked by a reporter 'What do you think about abortion? What do you think about guns?' Top issues I think that the issue is enormously oversimplified in the media and certainly in political campaigns You ask this question Should a woman have the right to choose to have an abortion? They'll come back two

thirds of them say yes. But then start asking additional questions. Should abortion be used as a means of birth control? Should a woman have a right to unlimited abortion paid for by taxpayers? Should a fifteen year old girl have the right to an abortion at taxpayers expense without the knowledge or consent of the parents? You ask those kinds of questions and suddenly it's down a third or less that support abortion but you never get to those kinds of discussions. Frankly it's probably largely a loser for Republicans to try and talk about that.

My own personal views don't have anything to do with religion. I'm not a religious person. I don't attend church. But to me it's a human life and before you take an innocent human life there ought to be awfully good reasons. But it's a loser for Republicans to get into that. Not just Republicans but people who share our beliefs. So I can tell you in honesty I've spent more time talking about abortion with you in the last two minutes than I ever spent in any one of my political campaigns. I just don't talk about it.

de GRAAF: Interesting. Now the Moral Majority is coming up in the seventies. Does this have much of an impact on your thinking or more broadly conservatism in general at that time?

JOHNSON: You know the people that I have allied myself with in the legislature and so on certainly would embrace fundamentalist Christian churches where there was a potentially targeted legislative race where they could be of help. Did it affect the development of their political philosophy? Again I have to be honest and say no. The people that I dealt with had a political philosophy as I did so it wasn't that Pat Robertson says you gotta do this or whatever. Where my interests or the interests of the Republican party or

candidates and other supporters coincided with their position that was fine

But did it shape how I felt about these issues? No

de GRAAF Were there any policies of the Carter presidency or the Jerry Brown governorship that you were particularly reacting to or that you thought were significant issues then?

JOHNSON Oh sure I mean first and foremost you had that six billion dollar budget surplus in the spring [of 1978] and then the reaction to Proposition 13 by the governor in Sacramento was to take away local control They back filled local government but with all these strings attached I would have preferred to see these constitutional protected funding sources guaranteed the local government to replace the taxes that had been lost as a result of Proposition 13 I think that that was a very momentous year I said and I believe to this moment Proposition 13 was not aimed at local government

[End Tape 1 Side B]

[Begin Tape 2 Side A]

de GRAAF Okay A couple of other issues that were around at this time Was busing an issue by this time in Orange County?

JOHNSON Yeah it sure was because the idea was being pushed of a massive busing program that would have involved literally busing kids from central L A or East L A out to Orange County Maybe it's good to mention that as a young teenager growing up in Anaheim I'd sent money to Martin Luther King [Jr] during the Montgomery bus boycott so it isn't at least it certainly wasn't in my mind a racial issue although I certainly would concede that in the minds of some people that was the objection To me busing to achieve racial balance was exactly the wrong thing to do Most education and it certainly is the case with me going to Katella

[Elementary] School in Anaheim and Anaheim High School takes place as much on the playground after school and in the neighborhoods after school as it does in the time that you're actually sitting in a classroom. To have that lost to kids would be a major negative impact plus the costs of that kind of thing.

It's hard to remember but in the late 1970s that was being seriously proposed. Now one of my colleagues that eventually obviously I had a real falling out with was [Assemblywoman] Doris Allen. You may remember that [Congresswoman] Bobbi Fiedler had created this organization and she rode it into a seat in Congress. Doris Allen had created a similar although I think much more of a paper organization here in Orange County. I think that Fiedler's was called BUSTOP if I recall and Doris Allen's was called Bus Block. But that was an Orange County version of it. It wasn't a major issue in my campaign, but it certainly was a major issue at the time and an emotional one.

de GRAAF: Now '78 this was just the beginning of the [Elizabeth Rose] Bird court. After several key U.S. Supreme Court decisions on the death penalty was that a big issue when you first came on the scene?

JOHNSON: It wasn't in my first campaign but it certainly became a *big* issue. I actually headed up I think the largest committee in the state campaigning against Rose Bird, Cruz Reynoso and Joseph Grodin when they came up for confirmation and in my mind the biggest part of that were the death penalty decisions. I think that at that time during the course of the confirmation campaign that there were fifty-six death penalty cases in a row. Every one of them had been reversed and those three justices had voted to reverse every one of them. I argued they were looking for a perfect trial and in human beings perfection doesn't exist. There were

others involved in the campaign Howard Jarvis who wanted to talk about of course tax decisions and others [like] District Attorney Jaegels from Kern County who wanted to talk about other issues Actually I very forcefully argued in the course of that campaign, no one issue one issue only Forget about these others you know rent control or whatever it is [Focus on] death penalty death penalty death penalty because it's not sustainable Their position is so out of line with the position of voters in California And I argued if we can get them to attempt to defend their record on the death penalty then we've won Of course they didn't actively campaign personally but had surrogates Eventually because we just kept pounding on that issue they had to try and respond and in effect the campaign was over Their surrogates began to try and justify their record on the death penalty cases So it was a big one

I believe that was the year '78 when I was first elected that John Briggs had his was it Prop 7? I've forgotten He had two¹ One had to do with gays being able to teach in schools which was disgraceful And then one on

de GRAAF Expanding the death penalty

JOHNSON Exactly At that point in time certainly support for the death penalty was running very high In fact it's not been that long since it was being introduced to meet some of the court's objections The truth is that the longer you go without an actual execution the support grows for the death penalty and when actually someone's executed then it drops a little So it was certainly something that I mentioned in the materials I sent out, that I supported the death penalty

de GRAAF Now the '78 election seems to be momentous in at least one other way and that was that the Republicans to some extent reversed the fallout you mentioned from Watergate to gain seven seats in the assembly and sixteen new Republicans come into the assembly that year. In fact that was more than half of all the Republicans in the assembly wasn't it?

JOHNSON That's correct. Day one the freshman members were a majority of the [Republican] caucus.

de GRAAF Okay. Did this give your group sort of a heady feeling that you could change the course of the Republican party or the Republican at least legislative caucus?

JOHNSON Sure. Look there were a number of people in that freshman class I met for the first time during the course of the campaign briefly. I went up to Sacramento. They had something called Western Winners Roundup and you could get your photo taken with Ronald Reagan and this and that. So really it was in January after we'd taken the oath of office in December that I really began to get to know these people. And I found to my pleasure that there were a number of folks that shared my political philosophy who had been elected from around the state. [Assemblyman] Paul Priolo was the Republican leader at the time. Bruce Nestande from Orange County was his caucus chairman. By the way Bruce was someone that I had campaigned for in the past. He had run twice for the assembly and lost before he was elected from a more Republican favorable district.

We had a caucus meeting we had a leadership meeting every Tuesday morning in his office and of course Priolo announced we were

¹ Proposition 6 School Employees Homosexuality and Proposition 7 Murder Penalty both on November 1978 ballot

JOHNSON welcome to attend Well he was stunned when there were I think twelve of us sitting there with bright shiny faces that morning Well to make a long story short in five months time we had replaced Priolo as the Republican leader because we came in There s an old country song I think it was Waylon Jennings it might have been Willie Nelson but the line is 'I came to play not just for the ride All of us came up with most all of us with the intention that we wanted to change some things That s why we had run We encountered what from our point of view was very much of a permanent minority attitude of go along get along A ridiculous example in some levels but symptomatic on another level was that they had Republicans scattered around the floor interspersed with the Democrats Several of the freshmen Republicans thought it would be far more helpful to be seated as a bloc so we could confer with our Republican colleagues as a debate unfolded and could be able to ask questions of our more senior colleagues and so on Well Priolo resisted even asking and eventually we freshmen pushed enough so that Leo McCarthy wound up calling a committee of the whole in Room 4202 So we were all in there and McCarthy basically introduces Priolo who said "This is really kind of embarrassing because I don t think it s a very good idea but some of our members think we ought to be seated as I mean it just totally And this was our elected leader

At any rate I can tell you I think I played a very very active role in electing [Assemblywoman] Carol Hallett as the Republican leader I think it s interesting This was in the spring of 1979 and to this day she is the only woman elected by members of her caucus as leader Doris Allen was a puppet for the Democrats but Carol Hallett was elected by a majority of the Republicans [Doris Allen was elected speaker in 1995 by a majority

of the assembly Hallett was chosen minority floor leader by the Republican caucus Each is the only woman to be elected to that office] And I did something in that case which I later did in the whole Willie Brown deal and that was I prepared a letter and got the majority of the members of the caucus to sign that letter which Hallett then took to Priolo and said "This is to show you that I've got the votes ' Then he stepped aside

A sidelight to that incident Priolo's excuse his stated reason for withdrawing (though he knew we had the votes and he was going to be replaced) but he announced that he was stepping down to campaign for the United States Senate I can tell you none of us who were Hallett supporters contradicted him So the first twenty four hours the press was really positive for him He's stepping down for the good [of the party] Then it was his own friends Nestande and others who went to the press and said 'Oh that's not what it was It was these guys dumped him

de GRAAF Was Nestande dumped at the same time as Paul Priolo?

JOHNSON Right Sure The leadership was all appointed There were three positions that required a vote the Republican leader and then the at that time two Republican members of the Rules Committee although technically what the caucus did was nominate them and then they were elected by the body as a whole The whip and the caucus chairman were appointed by the Republican leader

de GRAAF Now how ideologically united were all of you freshmen? You said that once you got there you found quite a few that were not necessarily of your views?

JOHNSON Yes yes [Assemblywoman] Jean Morehead was elected from the Sacramento area [Assemblyman] Gordon Duffy who had been I don't

JOHNSON know how many terms in the assembly kind of took her under his wing She was a nurse She had represented nurses' organizations, doctors organizations for I don't know that she was a registered lobbyist but at least informally I was at that time thirty nine years of age and I think I had a very clearly defined political philosophy from my teenage years forward Jean Morehead was a nice lady who was a registered Republican, I think because her family was and clearly at the time never thought about it Never thought about why am I a Republican? She became easy prey for the Democrats In 1980 we were targeting [Assemblyman] Lou Papan Our surveys showed we had Papan on the ropes and Jean Morehead cut radio ads for Lou Papan because he asked her to

[Assemblyman] Bill [William] Filante was elected at that time from Marin County north of San Francisco He had a terrible district from the Republican point of view He was naturally somewhat more moderate in his views but his district compelled him to be even more so I had times up there that Bill Filante who has since passed away came to me and said You know about this district of mine you know how I've got to go but boy I sure hope you hang tough on this '

Let's see Who else was elected? [Assemblyman] Bob [Robert] Frazee from San Diego nice gentleman President of the California League of Cities [Assemblyman] Dave [David] Kelley Now there's an interesting one from the standpoint of you want to see an evolution of someone He came in as someone who was to the right of me and was I mean just He was a farmer and just despised Cesar Chavez and the United Farm Workers and was just a rabid flame breathing right winger and by the time he left the legislature two years ago was a pretty

dependable vote for Democrats Whenever they really needed him Dave was there for them So that went through an evolution Let's see Who else was in there?

de GRAAF Well you said enough to answer one question I wanted to raise the idea many writers on this particular era have put forth that there were "Cavemen" and Proposition 13 babies' that were some sort of homogenous group

JOHNSON "Cavemen I believe from the bottom of my heart was made up by a reporter for the *Times* named Jerry Gillam He came into my office one day and said You know what they're calling you Cavemen I'll go to my grave believing Jerry Gillam made it up I don't think anybody gave him that, but it kind of stuck

de GRAAF Did this come soon after the '78 election?

JOHNSON No no We'd been there for a couple of years I think before he made that up The 'Prop 13 babies I think came out of a gentleman who has passed away recently [Assemblyman] Bill [William] Ivers who was elected to the assembly from La Canada Flintridge There used to be a solid Republican strip along there And in the first month or so that he was in office he and [Assemblywoman] Gwen[dolyn] Moore who was a Democrat There were twenty three freshmen sixteen of them were Republican A group of these They got these freshman beanies They thought this would be really funny They had these green and yellow beanies They offered me one and I said 'In your dreams But I believe that it was Bill Ivers who thought it would be cute the Proposition 13 babies I always resented that I'm a full grown man I'm thirty nine years of age I'm not a baby thank you very much

And the Cavemen they all struck me as being so unfair because there was no comparable term of derision directed by the press at our philosophical opposites. Nobody ever talked about John Vasconcellos [assemblyman senator] as a space cadet. So I always thought that was just fundamentally unfair.

de GRAAF But the point is there's really not that much unity or homogeneity for that whole 1978 group.

JOHNSON There were a solid group of committed conservatives myself [Assemblyman] Dennis Brown [Assemblyman] Pat[rick] Nolan. There were people who talked a good game [Assemblyman] Jerry Felando [Assemblyman] Bob [J. Robert] Hays [Assemblyman] Phil Wyman. But the really interesting thing and what I would say for a time was absolutely I believe unique in this country in politics at this level. It took a couple of years to develop but we wound up with a group that included Assemblymen Bill Baker Nolan Frank Hill Dennis Brown myself and John Lewis. So half a dozen of us who were willing to go out and work hard to raise money for the Republican candidates and give it away. All of us were willing to sublimate our own personal desires to trying to accomplish a greater good. That does not exist today. I'm the sole remaining member of that class of '78 and I'm the sole remaining member of that group of legislators who were willing to work hard [on elections].

de GRAAF One final thing on this matter. Did this group or conservatives in a broader sense ever put forth in California, a statement of principles comparable to the 1994 Contract With America?

JOHNSON No. We had internal debates about that and I never thought that was such a great idea. Look we as a group were awfully cohesive but does that

mean we agreed on everything? I for example from the moment I arrived was an advocate of the campaign finance reform

de GRAAF From the time you arrived?

JOHNSON Oh yes absolutely I grew in my convictions that that was a necessary reform over time Bill Baker and I for example we were close political allies and worked together on so many things but he vociferously disagreed with me on campaign finance reform

No I mean we put forward ideas and publications where we were going to do this and this and this but not a hundred point contract with California There were discussions much later on about doing that which I always rejected I think that we should do campaigning on a few issues and that the campaign should be locally centered I don't think people are interested in a hundred point plans It's always been my opinion that the Contract With America and its impact on that election was greatly exaggerated

de GRAAF Do you think that the '78 election I'll use your example of your freshman group wanting the seating in the assembly redone intensified partisanship in the assembly?

JOHNSON Well I don't know if I can answer the question did it intensify in the early months but I suspect it did I can certainly say that during the time that I have been in Sacramento it's steadily increased to the point that it's just an embarrassment it's debilitating the level of partisanship I can go into what I see as all the reasons for that

An example Pat Nolan was walking down to this Burger King He was walking back to his office with his little Burger King sack and encountered Lou Papan who was the chairman of the Rules Committee who proceeded to upbraid him on the sidewalk about You know that

makes us all look bad. What the hell do you think you've got lobbyists for?

Go have dinner. Somebody will pick up your tab for you. Pat replied

I'm hungry. I wanted to get something to eat. I'm working at my desk.

The story of Dennis Brown occurred at a reception also in January after we'd taken office. It was held at the Sutter Club and Dennis had indicated he didn't want to get a state lease car. Lou Papan came up and proceeded to rip into Dennis about "You're the son of a bitch that doesn't want to get a lease car? That makes us all look bad. There was from the beginning an attitude that we were some strange new beast, some strange new

de GRAAF that had to be shown how legislators work?

JOHNSON Yeah. I mean, you don't eat at your desk, food that you got at the Burger King. You go out to a nice restaurant and the lobbyists will pick up your tab for you. You lease a car because that's what you're expected to do.

DE GRAAF Anything else you'd like to say about sort of the background of conservatism as you see it having been formulated in your campaign and later years in the legislature?

JOHNSON Well, I ran for office in large part because I had watched over a period of time what I saw as an ever increasing involvement of government in the lives of just ordinary honest citizens. And I talked about that as a first time candidate. So I decided to run because my kids were just little at that time, five and six years of age. I don't know if the day will ever come, but if the day comes that people's lives are literally totally controlled by government from the cradle to the grave and my children's children come to me and say "Grandpa, what did you do in 1978 when there was still an opportunity to prevent this?" at least I'm going to be able to look them in the eye and say "I tried." That was what motivated me, my belief that government is

best at the level closest to voters. I'm a very strong supporter of local government and local control as opposed to imposing decisions in Sacramento. A lot of things became frustrating to me. Talk about the cohesion and the folk who were elected as conservatives who campaigned for re-election as conservatives but watching the process change their attitudes. It became *their* money. It's. I'm not going to give that back. It's not yours to give. It's the taxpayers' money. At any rate, these are things that shaped my political philosophy. You hope that there's some consistency. I heard a great quote recently. Principles are like the stars. You reach for them.

[End Tape 2 Side A]

[Begin Tape 2 Side B]

de GRAAF: Eighty-eighty-one. I understand you were named Republican Whip. Was there only one whip at that time?

JOHNSON: Yes.

de GRAAF: This is only I guess your second term. Was that a bit young or were whips often young members?

JOHNSON: No. I don't think there was anything remarkable in that. I believe I would have been made caucus chairman if it hadn't been for something that we had discussed earlier which was Dick Robinson putting in a candidate against me in '80. I mentioned the role that I played in electing Carol Hallett. Her first caucus chairman was [Assemblyman] Chuck [Charles] Imprecht who later ran for the senate. She had led me to believe that I would be the next caucus chairman and then [Assemblyman] Bob [Robert] Naylor wasn't distracted. [Chuckles] His opponent was a deputy district attorney whose position was being funded by some federal program and

who decided halfway through the race that he couldn't run because of the Hatch Act. I think he was wrong, but it essentially was the rule. No. There's nothing unusual about that.

de GRAAF: Hallett was the one that named you whip?

JOHNSON: I think so. I mean, time passes.

de GRAAF: Was it also common that a whip only served for two years, because I think your term was 1980-81?

JOHNSON: No. No limit on that. I suspect, but time passes. I suspect I may have given up the whip position for a seat on the Rules Committee, but times pass, and I'm just.

de GRAAF: You could not have been both.

JOHNSON: No.

de GRAAF: All right. Eighty-two, eighty-three you were named caucus vice chairman. What was the role?

JOHNSON: That was '82?

de GRAAF: Eight two, eight three is what I got out of the.

JOHNSON: I'm sure it's correct. You've looked it up. I haven't thought about it in years.

de GRAAF: One thing I think prevailed for a while in the Democratic party, don't quote me on this, was that either formally or certainly in effect, the speaker was also the leader of the Democratic caucus, or the floor leader was the chairman of the Democratic caucus, but I gather that wasn't true in the Republican party? They were two distinctive jobs, floor leader and head of the caucus?

JOHNSON: Right. Minority floor leader is encompassed in the rules, so that is a position of the house, speaker, majority floor leader, minority floor leader. For all intents and purposes, the speaker is the leader of the majority party.

as in the senate the president pro tem is the leader of the Democratic party But there still is a majority floor leader and a minority floor leader If you looked at an organizational chart they are equal They clearly are not in reality

So at the time that I went to Sacramento the caucus officers were the Republican leader a caucus chairman a caucus whip a caucus secretary and the rules at that time provided that whenever possible that caucus secretary should be selected from the freshman class So if there were freshmen members one of them was going to be the caucus secretary Then the two Republican members of the Rules Committee were nominated by the caucus Over time that expanded They created a vice chairman of the caucus Then the membership of the Rules Committee expanded and I think now there are four minority members of the Assembly Rules Committee

de GRAAF Were there any particular functions you had as vice chair of the caucus?

JOHNSON Directing some of the staff and hiring some of the staff I'm surprised that it's that early eighty two?

de GRAAF Eight two eighty three

JOHNSON Part of the agreement that elected Willie Brown as speaker was to give Republicans the ability to name Republican members to committees and to dramatically increase staff availability for Republicans I did a lot of the hiring of staff that was brought in and some direction to the staff Whatever my position on an organizational chart I continued to do that under Hallett and then under [Bob] Naylor Then we wound up as sort of outcasts [Laughter] Our group that I worked with sought to replace Naylor as Republican leader We had a gentleman God rest his soul [Assemblyman] Bill [William] Bradley from San Diego County I had

done the same thing as we had done with Priolo, written a letter signed by the majority of the members of the caucus that it was our intention to support Pat Nolan as the Republican leader. Well, Dick Mountjoy at that point was Naylor's caucus chairman and he just sort of proceeded to have this filibuster in the caucus. Eventually, Bill Bradley, who had signed the letter, raised his hand and said, 'Take my name off that letter.' [Laughter] I was on the Rules Committee. Dennis [Brown] was on the Rules Committee. Frank Hill was the caucus secretary. We were all replaced. About a week later he [Bradley] comes to me on the floor of the assembly and he says, 'You're on the Rules Committee. I've got this problem.' 'No, no, Bill. I *used* to be on the Rules Committee til you took your name off the letter.' [Laughter]

de GRAAF: Yet, Naylor was replaced shortly thereafter, wasn't he?

JOHNSON: Well, it was after the following election. Nolan was the leader for a time. I had been the candidate for leader of our group when Naylor was reelected. I liked Bob. Of course, we were elected at the same time. I was putting together some votes and believed I would succeed Carol Hallett. I remember Bob and I going out for a drink and he told me, 'We were sitting in a booth at Eilish's having a drink. He says, "I've got the votes." And I remember very clearly reaching across the table and shaking his hand and saying, "Well, you've got my support." I became convinced in the subsequent months that was not true, that he ran a bluff on me and I took him at his word. I liked him. I trusted him when he said he had the vote. At an absolute minimum, he was overly optimistic in his counting. I think Bob, who's a great guy and a friend to this day, was too tentative a leader. That was our objection to him.

de GRAAF: Was that more than his ideological positions?

JOHNSON Oh no no Bob on very few issues was The perception was that Bob was more of a moderate on some issues He was And he certainly came from a district that was not as conservative as the district that I and the rest of my friends represented But no it would be a gross exaggeration to say that there was that much difference between Bob and I

de GRAAF It was more his cooperative dealings with Willie Brown?

JOHNSON No It was his tentativeness It was his going down to the governor's office and then saying 'Well I'll take it back to the caucus' instead of demonstrating some leadership This is where I want us to go and here's why which in my view is what a leader does You say this is where I want to go and here's why Unless you can articulate that then you shouldn't be the leader It sounds sort of basic but the first job description for a leader is to show leadership

de GRAAF Okay Now the Republican caucus is often portrayed during this time especially in the 1980s as sharply divided between a conservative faction and a more moderate faction Perhaps as you just said erroneously Naylor was sometimes seen as epitomizing the moderate faction or you are seen as epitomizing the conservative faction How valid a portrait is that?

JOHNSON There was always some of that but I think that that was particularly after we had been there for a couple of years that was substantially exaggerated You had people like Gordon Duffy When I first arrived there Oh my goodness what was the gentleman's name also from up around the Santa Clara area Dick Hayden These were distinctly moderate Republicans Marilyn Ryan from the Palisades [51st Assembly District] These people I think resented us Others like [Assemblyman] Jim Ellis from San Diego County was as conservative as I am but he was a career military officer

and I think it offended his sense of you know you follow the captain It wasn't a philosophical thing with Jim

de GRAAF You'll have a chance to review this Either you or I can fill the name in later

JOHNSON Personalities enter into it personal ambitions enter into it I believe when I eventually lost the Republican leadership in large part it was term limits that cost me the leadership because suddenly people who might have been willing to wait their turn every day that I was the Republican leader was a day that they weren't going to be the Republican leader It was convenient shorthand for the media to talk about this as if it was a Rockefeller-Goldwater kind of thing Frequently that wasn't the case at all I think the general perception would be that Marian Bergeson from Orange County is a, quote 'moderate I think if you talked to Marian she'd probably describe herself as a moderate but I can tell you Marian Bergeson and I are very close in terms of our political philosophies Now we weren't always in agreement on tactically or even strategically how to achieve what we wanted to

de GRAAF That's what I wanted to get around to Another difference that's sometimes brought up is that the more conservative group tended to have for lack of a better word a confrontational idea of their strategy To the Democrat majority to [Speaker of the Assembly] Willie Brown even sometimes to Republican governors particularly Wilson their first job was to confront them on issues that they thought they were wrong Whereas as you said earlier Priolo represented a go along get along view that some journalists have extended into the eighties saying there was one faction that wanted to sort of work with Willie Brown and cooperate and there was another faction that wanted to confront him Is that a fair take?

JOHNSON No no From my point of view it's totally unfair I think I can say absolutely without fear of contradiction that the Republican who had more to do with electing Willie Brown Speaker of the Assembly than anybody was me

de GRAAF Do you want to go back and

JOHNSON I just will tell you that Willie Brown got more Republican votes than he got Democrat votes when he was elected speaker If you go back and look at who were the Republicans who did not support Willie Brown I think you'd see that they were self-described moderates That certainly turns that on his head But were we confrontational? Sure But from the sense of just trying to stir up trouble? No We had collectively a point of view about the nature of government the kind of government the people in California need and want and I think we felt we were presenting the legitimate point of view of millions of Californians whose voice deserved to be heard There was a tendency on the part of the majority to presume it was our responsibility to help make a quorum and otherwise sit down and shut up And none of us was prepared to do that

de GRAAF Let's go back to Willie Brown's speakership I think it's fairly common knowledge that the Democrats were locked in a real race between [Assemblyman] Howard Berman and [Speaker of the Assembly] Leo McCarthy in 1980 for the speaker Willie Brown I think it was about his second or third time trying to become speaker and managed to take the position from both of them As you said that was done heavily with Republican votes

JOHNSON Right He actually got more Republican votes than Democrats votes

de GRAAF The instant question is what was in Willie Brown for you and Republicans? Why did Republicans like you in 1980 back Brown?

JOHNSON First of all going back the last night of session there is this little pro forma where the Republican and Democrat leaders stand up and say something Willie Brown was I believe the caucus chairman at the time He stood up and thanked the staff and blah blah blah Then, I look forward to working with you in the next session in some capacity I leaned over to [Assemblyman] Dick Mountjoy and I said He's just announced his candidacy for speaker That's how I interpreted it

Going back during the battle Berman had walked in and told McCarthy that he had a majority of the Democrat votes and he was going to replace him He *presumed* that Republicans would simply go along with whoever the Democratic caucus choice was That was his operative presumption because that's the way it had always been done

de GRAAF If the Democrats have a majority the caucus nominee is elected?

JOHNSON Berman simply assumed that the Republicans would ratify the choice of a majority of the Democrat party And I'm the guy who argued internally among Republicans why in the world should we do that? Where is it written that we should go along with what they decide? Certainly why should we do that without some understanding of what the benefits to us are? So we collectively said we would not do that Dick Robinson kept standing up and making the motion to vacate the chair and the Republicans just sat there and refused to vote

de GRAAF You're the second person that's used this term and I have a feeling that a lot of people reading this won't totally understand What does it mean to vacate the chair ?

JOHNSON Mr Speaker I move to vacate the chair means 'we're firing you [Chuckles]

de GRAAF And that is a formal legal motion

JOHNSON That's the motion Mr Speaker I move to vacate the chair That takes a majority of the house to do that

de GRAAF It's sort of an in house recall

JOHNSON Exactly And their intent was to replace Leo McCarthy with Howard Berman The Republicans just sat and watched them go at it That led to then an all out war in a number of assembly races that year [1980] between candidates backed by the Berman faction and candidates back by the McCarthy faction I think in many ways that was a real landmark year in California politics because it dramatically escalated the cost and sophistication of political campaigns which had already been done But this dramatically escalated it

I can recall seeing Howard Berman in the basement garage in the Capitol This was oh a week or ten days out from the primary election [Assemblyman] Jack Fenton was I believe a sixteen year veteran of the assembly representing El Monte and other places in eastern Los Angeles County Anyway we were hearing rumblings that maybe the Berman people were going after him in the primary I ran into Berman in the basement and said Is it true you guys are going after Jack Fenton? He said 'Yeah Watch how much mail can fit into a Mexican's mailbox in a week And they took him out with [Assemblyman] Marty Martinez

Also interestingly enough in the general election that year a young staffer of [H L] Bill Richardson took out [Senator] Al[bert] Rodda in the general election John Doolittle took out Al Rodda, who was a longtime Democrat senator kind of an institution in the Sacramento area I think those two races had a dramatic dramatic impact

At any rate during the course of the fall there were a number of meetings between Willie Brown myself Carol Hallett Bob Naylor I

JOHNSON mentioned Chuck Imbrecht. One of Chuck Imbrecht's roommates was Rick Lehman, a Democrat from the Fresno area, Democrat assemblyman and a very close ally of Berman's. Chuck, in effect, is a kind of fifth columnist within the Republican leadership, arguing that we should go along with Berman. Ed Rollins, who was then director of the staff of our caucus, later managed Reagan's reelection campaign. Ed and I came that close to the caucus saying, "Okay, we'll go along with Berman." I can remember pounding the table, which I don't do often, pounding the table and saying, "No, by God, You're crazy if you go along with that." And Rollins joined in, and we turned the tide. Then, as I had done previously, I prepared a letter and then got on the phone, and we got every Republican that we could to do so, send a telegram to Willie Brown. So Willie was able to show Democrats how many Republican votes he had.

As to the reason why we did that, number one, it's hard to believe now, if you go back and look prior to that time, Willie Brown was not a particularly effective fundraiser. He became legendary after he became speaker, but he wasn't particularly a good fundraiser. Howard Berman was awesome. So that was one. Number two, we had negotiated with Willie and he committed to us that Republicans would have the ability to name Republican members of committees, that we would have an increase in the Republican staff, and that he would, particularly, by the way, Republican staff for the reapportionment process, and that he would be fair to us in reapportionment. One of the other things he agreed to was Lou Papan would be replaced as the chairman of the Rules Committee. This may sound incredibly naive, but, literally, one of the things that was in our mind is, this is a member of a racial minority who suffered the indignities of a minority and the hope that he would be more sympathetic to a political

minority which proved to be just nonsense. The very first day the day we elected him a couple of hours later he broke his first promise which was to replace Papan. He had committed to replace Papan who was just like fingernails on a blackboard to Republicans because he was so nasty and autocratic.

de GRAAF: You had at least one celebrated confrontation with him didn't you?

JOHNSON: Yes yes. He was a bully. He came back been there for a couple of years. He's gone again now. I mean Lou I don't know he's in his late seventies I guess and he's mellowed somewhat. But back then he was just kind of a bully and we wanted him replaced.

Willie used the reapportionment process to consolidate his power. I will absolutely go to my grave believing that he was painted into a corner internally by Berman. And I absolutely will go to my grave believing that Willie intended honestly to be fair to us in reapportionment but then he wasn't at all bashful after the fact to let people proclaim him a genius for what had happened in reapportionment. Anyway those are the reasons we did it.

de GRAAF: Was any factor the perception that Berman was almost hyper liberal and Brown might not be quite as emphatic in pushing liberal views?

JOHNSON: I think that there was a perception there wasn't a dime's worth of difference in their voting records that Willie Brown was more pragmatic and Berman was more dedicated. But the concern really was how that translated into fundraising and campaigns and there Berman had a track record not least in the primaries that year against his fellow Democrats and he was a very successful and aggressive fundraiser. Willie Brown in spite of the fact that he'd been around at that time for sixteen years or so I

know it sounds hard to believe today, but the perception was that he would not be as effective or aggressive as Berman would be

de GRAAF Interesting Okay Now you have Willie Brown who for the next about sixteen years would be Speaker of the House fifteen years One really significant thing in the evolution of the legislature would perhaps be the replacement which you discussed briefly of Naylor by Nolan I guess the only question I'm not clear on why was Pat Nolan the successor pushed by conservatives or those who wanted a more effective leader rather than say you or somebody else?

JOHNSON [Laughter] I don't know I mean

de GRAAF The reason I ask is again a journalist imposed view Some of you who held shared conservative convictions were dubbed for a while as 'Nolanistas' Now was Nolan such a leader or did he have such control over the conservatives?

JOHNSON Oh no I just have to say it was a very collegial very frank sometimes heated strategy session That man he was kind of a butterfly in the sense that whatever was before him that was the most important thing So it would be staff working on some project and then come in and say 'Drop whatever you're doing you've got to do this' And then before that was done 'Drop everything you're doing and do this' Where I tend to be much more deliberate and focused Pat was of the school of let's do something even if it's wrong and I was much more of the school of let's do what Davy Crockett said "Be sure you're right then go ahead" That's what Davy Crockett said I think as a consequence Pat sometimes again we're different but he would overreach

[End Tape 2 Side B]

[Begin Tape 3 Side A]

de GRAAF Just a couple of other things on Nolan then we'll move into your leadership. A short time after Nolan became the minority leader. Incidentally let me digress here. Minority leader is the formal position the way it's described in the rules?

JOHNSON In the rules that's correct. In fact when I was the Republican leader in the assembly I had a coffee can in the office and required the staff every time they would slip and refer to me as the minority leader to put a quarter in the can because I did not consider myself that. That's what the rules say minority leader but I considered myself the Republican leader.

de GRAAF I knew you had strong feelings on that.

JOHNSON Yeah. Just to go back and complete the point a little bit when the tape ran out Frank Hill and I internally had argued we'd use the phrase "38 in '88" by which we meant we were going to get the majority incrementally. I think Nolan overreached tried to play in too many races. I think that we could have easily achieved the "38 in '88" but as a consequence [of overreaching] we actually dropped. I think there were thirty six at that point dropped three seats and Pat was so discouraged by that that he literally was just going to step down.

This comes into play in another subject which is campaign finance because the Fair Political Practices Commission [FPPC] punched a great hole in Proposition 73 which I'd successfully sponsored in June of that year at their meeting that occurred the day after the election when I was otherwise occupied putting together the votes to become the Republican leader. I had attended every meeting from June through the end of October but the first meeting that I missed they blew a great hole through the prohibition on mass mailing provisions.

de GRAAF That's interesting I recall reading I think it was in *California Journal* that you were very 'upset' over the FPPC ruling and I was wondering why

JOHNSON I frequently find myself at odds with them

de GRAAF Now one final thing on Nolan's stepping down You say it was because his reelection campaign for the party hadn't gone well Wasn't it at this time that he began to fall under the FBI sting? I know he hadn't been formally charged with anything yet but weren't they at least looking in his office?

JOHNSON Well you know time passes and I just forget the sequence of events but I can tell you absolutely categorically it had nothing to do with that I honestly can't remember what the timeframe was but that was before

de GRAAF He wasn't convicted until '94 or something so it's a strange long time between '88 and when he was finally sent off to jail Still I have seen this in a few things that he was

JOHNSON No I can tell you categorically no Pat had poured his heart and soul into the campaign to raise more money than any Republican leader *ever* I mean by a wide margin and had put money into the campaign But as I say internally I disagreed with him and Frank Hill had disagreed with him because we felt they were overreaching They were spending money in races that they couldn't win We would have been better off to have concentrated in fewer districts Literally during the course of the campaign Frank and I kept repeating 38 in '88 We can pick up two seats we can hang on defend everything we've got pick up two seats But Nolan was all the way in one play Go back and look During the decade of the eighties we had a majority in the assembly We won a majority of the seats but we never had them at the same point in time It was always a shifting minority [Laughter]

de GRAAF Which probably got kind of frustrating Okay

JOHNSON Yeah well if you had to have one word to describe the past twenty five years it's frustrating I think the best that can be said is that we've resisted and somewhat slowed the ever expanding role of government And I do want to get into the kinds of internal things that I think make it so difficult to turn that around to achieve I absolutely believe this from the bottom of my heart that on many many issues I and my friends represent the views of the majority of Californians At an absolute minimum even if you don't grant me that we represent the viewpoint of millions and millions of Californians that deserve to be heard and yet is often not I've talked about what I call the three legged stool I talked about this for the last twenty five years a three legged stool is why California's government is not responsive to the average citizen

One leg of that stool is campaign finance the way in which campaigns are financed with special interest money decisions made in Sacramento about what might become the conventional way of winning the great bulk of legislators receiving the great bulk of their contributions from outside of their legislative districts from various special interests often in the form of transfers from legislative leaders and others

Second leg of the stool reapportionment the way in which their districts are gerrymandered to determine the outcome before a single vote is ever cast I remember the huge wishbone shaped district that was created in the 81 reapportionment While it was being designed it was referred to as the Lehman district There was no question if that district took effect Rick Lehman was going to be elected to it That's the second leg of the three legged stool

The final leg is the internal operations of the legislature the way in which tax money is used to reward and punish legislators to keep them in

line Legislative committees you've got solid majorities of Democrats in both houses of the legislature but then look at the committee assignments and they exacerbate exaggerate that numerical dominance Then the leadership picks not only from the majority party but from the minority party How do you lose a ballgame when you're putting together the lineup for the opposing team? We get nine players but they get thirteen And the ability to use those tax dollars to buy off enough minority members that you needed but certainly to keep majority members in line Everything from a nicer office to more staff to

de GRAAF That's a very interesting summary of your views Let me now take them down to some specifics Had all this been in place in your perception when you came or did Willie Brown do a considerable amount to build this system? Was it pre Willie Brown?

JOHNSON Oh sure It goes back until at least to Jess Unruh Jess until his death I considered a good friend As I said earlier we were drinking buddies Certainly he created the modern legislature [Republican Assemblyman] Bob [Robert] Monagan a politician from the old school became speaker in '68 and he played the game too much as a game for gentlemen

Let me give you an example I had a friend who was a student at UCLA and was a fellow with a fellowship small stipend and they're assigned to legislative offices It overlaps the election So they had ten Bob Monagan was speaker Nine of the ten get this nine of the ten young college kids and my friend was the lone Republican Monagan is replaced by [Assemblyman Robert] Moretti as Speaker of the Assembly She was called in and they were going to bounce her out of the program because under Bob Moretti having one Republican out of ten was one too many Now they eventually backed off but only after she swore in blood that she

would not involve herself in any partisan political campaign Under Monagan Bob Moretti was chairman of the G[overnment] O[perations] Committee which was considered to be and is still considered to be is referred to as a 'juice committee " It is very helpful in terms of special interest funding Bob Monagan gave that to Bob Moretti

So yeah maybe by the time Nolan and myself and others got there we were supposed to be a little more aggressive I'd been a staff person during the time that Monagan was Speaker of the Assembly

de GRAAF You said just a few minutes ago when you made the deal to back Brown in '80 it was with the understanding that Republicans would always be a vice chairman of each committee and the Republican caucus could actually choose the Republican committee members Brown eventually went back on at least the second of those?

JOHNSON Yeah yeah After he consolidated his position through reapportionment sent Lehman and Berman and Mel Levine off to Congress so the biggest thorns in his side were gone He consolidated his power then began to systematically go back on all of his commitments It was well give me your recommendations for committee appointments and asking the individual members give me your list of the committees that you're most interested in Then he'd play statistical games Well I gave 70 percent of the Republicans at least one of their choices Well the bulk of them could be the third choice Clearly Willie adopted a tactic Jess Unruh had used previously of always making sure he had a few Republicans in his pocket In the case of Willie Brown he always had [Assemblyman] Stan Statham [Assemblywoman] Sunny Mojonner and [Assemblyman] Jerry [Gerald] Felando in his pocket Literally during the so called Gang of Five era I put together the votes to elect [Assemblyman] Chuck [Charles] Calderon as

Speaker of the Assembly The reason we fell short was those three It wasn't Jerry Felando it was Willie Brown that suggested they nominate me Because in their districts ultimately supporting Willie Brown when clearly there was the opportunity to replace him was untenable So they could defend themselves by saying no I thought we should have a Republican and not any Democrat

de GRAAF I've interviewed Calderon so I've obviously been over the Gang of Five in great detail but there are a few things on it I'd like your input First of all the gang was formed sometime around '87 as I recall At what point did you or the Republican caucus begin to see the possibilities of a coalition between these five [Democratic] dissidents and the Republican party?

JOHNSON You know time passes but I don't think we had any conversations prior to the general election [of 1988] I may have had some passing conversation but I think the first serious discussion came I'm certain of that as I mentioned two days after the November election when I was elected as Republican leader As a courtesy I called Speaker Brown and said I would like to come by the office and pay my respects I walked into his office and seated on the couch in his office are the three I just mentioned Felando Mojonner and Statham

de GRAAF All three of them

JOHNSON All three of them I spent a few minutes had a very abbreviated conversation with him and I raised the issue about Republicans being able to name Republican members of a committee and basically he said Well we'll take that under consideration I walked out and I remember going back in later that night and saying to my wife "I understand now the Sicilian mentality ' [the desire to seek revenge for intentional insults] that son of a bitch

de GRAAF He had them there as a symbol to you that he could control the

JOHNSON Exactly I started thinking about it I can't remember but it was within a couple of days that I had met at a truck stop outside of Sacramento with Calderon and Gary Condit and talked about this They were very excited I said 'I don't care which one of you it is of the five Jerry Eaves Calderon Condit, Rusty Arias

de GRAAF And [Steve] Peace yeah

JOHNSON I said 'If it were up to me I'd suggest Condit but you guys decide' I don't care I really did prefer Condit because I thought he probably was the most acceptable to more people than Calderon but they went off and had their councils and decided that it was going to be Calderon I then spent the next couple of weeks just systematically working the numbers of our caucus

de GRAAF Excuse me Was it in December?

JOHNSON November We take the oath in December so basically I spent the month of November

de GRAAF Then the first thing you do after you take the oath is to formally elect a speaker?

JOHNSON Exactly I really put some pressure on Felando Mojonnier and Statham I mean I showed them the mail that I was prepared to send out in their districts I pulled the plug on Willie Brown and so on I did in fact send the mail Then I kept talking to the Gang of Five principally Calderon who kept telling me that he was going to get [Assemblyman] Pete Chacon and call this one and that one Well they ended up with the same five they started with but I had everybody in the Republican caucus except those three and I'd put considerable pressure on them I mean they were feeling the heat intensely Then the night before Willie Brown gave them this

It was very clever it was a way out He got Felando to nominate me I immediately threw up my mike and declined the offer withdraw my name from consideration It was Willie who got the clerk to say that once a nomination has been placed it's the property of the house and that gave them the way to wiggle off the hook But we came that close to taking Willie Brown [Laughter] I came very close But I really launched that because it was so in your face having the three of them sitting there

I'll tell you during the time I was Republican leader I had more violent quarrels with Willie Brown shouting matches And I'll tell you he's a smart cookie He understood that use of internal power He played it to perfection

de GRAAF In what sorts of ways?

JOHNSON Committee assignments additional staff being provided hiding bodies literally I've been in meetings where I was pressing for increased resources for Republicans and have [Assemblymen] Tom [Thomas] Hannigan and Mike [Michael] Roos who were part of his leadership team seemingly sincerely wanting to accommodate me but they didn't have the information I'd done enough snooping [inaudible] And it's like Is that so? ' And they'd turn to Willie Brown Is that so? They didn't have any real understanding of how they were exercising power That's a pretty important part of how it actually worked was each individual member that he bestowed some benefit on be it a second district office or additional staff in the Capitol office or a committee chairmanship or whatever in the hell it was they knew what benefits he was bestowing on them but they didn't have a clue what he was doing for others And didn't have any understanding at all how the minority was doing That's human nature to

concentrate on what's in front of you and you don't spend a whole lot of time worrying about this Republican who's left out in the cold

A group of us put together in June of '84 Prop[osition] 24 Prop 24 envisioned democratization of the process in the legislature and a 30 percent reduction in the money allocated to the legislature. Hard as this is to believe, the 70 percent that would be left is to be divided proportionately between the parties. Republicans would have come out way ahead with the proportionate share of the 70 percent than they were getting out of the 100 percent. That's because of this ability to use tax dollars to physically reward. It's still common for legislative staffers to go off payroll at election time and go out and work. At that point in time, it was much more common to do blatantly political work on

de GRAAF: They used to have a so-called Office of Majority Services.

JOHNSON: Uh, huh.

de GRAAF: How exactly did that work?

JOHNSON: Well, we never were able to get at it in totality, but for example, if there were some significant debate going on, there would be television cameramen employed by the Office of Majority Services, there taping the spellbinding speech being given by whoever it was. There were all sorts of resources that were available to majority party members that were not available to minority party members. That continues to this day. Sure, there's a mail allowance. I attempted to do away with mass mailings entirely. But there's a mail allowance where each member is given a budget of so much. However, if you're a Democrat member, you get a committee chairmanship and you can mail out personally on the committee's budget.

de GRAAF And there was nothing in the rules that mandated any sort of proportionate allocation of funds?

JOHNSON Not at all Not at all Now Prop 24 passed and that was fun because Democrats didn't want to implement it and did not We just stood up day after day and moved for the adoption of rules consistent with Prop 24 Willie Brown and the Democrats were left sputtering There wasn't anything for them to do They didn't want to adopt them They wanted to go to court, but they had no basis for a lawsuit Then my friend Dick Mountjoy lost patience and went to Paul Gann and persuaded *him* to file a lawsuit which [we lost] I can remember blowing up at Mountjoy 'Why in the world did you do that? We were winning the public relations battle This was adopted by the people of California As soon as they got in front of the judge the judge said No We can't do this by a statutory initiative you have to have a constitutional amendment

de GRAAF Was it after that decision that Nolan made his deal with Brown that in effect he would agree to skirting some parts of 24 in return for being able to name vice chairman, and so forth?

JOHNSON It may have been yeah I don't remember

de GRAAF That's very interesting Incidentally you have some companionship here Calderon has told me some of the same sort of thing about the way Willie giving the impression it was sort of unique to Willie I know this is the way the legislature had been for some time

JOHNSON Oh I think certainly from the days of Jess Unruh I think Willie took it Moretti expanded but Willie took it to new heights It is so ingrained People constantly know what's in front of them but honestly don't realize that I don't know how many times over the years Lou Papan's given me lectures about majority rules majority rules To him that's the

beginning and end of everything. Majority rules. I said, Yeah, but there's two great principles to democracy. One certainly is majority rules. But the second is protection for the procedural rights of the minority. And we're not being given a fair chance to represent the points of view of the folks that elected us.

de GRAAF: This idea that you just mentioned, the proportional rights of the minority, is this the reason that in '24 and in several other initiatives and so forth, you and conservatives in general pressed the idea of two-thirds vote? Was that your sort of structural way of

JOHNSON: Oh, yeah. Because it was important to us that you have those procedures in place.

de GRAAF: A couple of other things on your majority. One that you articulated, I just want to drive it home. Willie Brown's technique then was to work with Republicans individually, not to go to you and say, Ross, you are the leader of the Republicans, would you get your team together and do this? Instead, he would be working individually with each Republican?

JOHNSON: We would have some negotiations, but I can tell you, after I made that run at him, there were several months where he flatly refused to talk to me at all. I mean, not even good morning. But eventually, we were able to discuss issues and negotiate some issues. I would say his fundamental principle was to have members individually beholden rather than. Again, kind of tough to figure out how you lose the ballgame if you're picking both your team and the other guy's team.

de GRAAF: Where did [George] Deukmejian figure into all of this? Did he actually try or have much power in influencing the workings of the legislature or pushing them toward a certain [program]? Did he try to set forth before the

legislature sort of Franklin Roosevelt style an agenda that he wanted the legislature to pass?

JOHNSON Let me just make a general observation I felt that part of the leadership in the Republican Party

[End Tape 3 Side A]

[Begin Tape 3 Side B]

JOHNSON I participated in discussions and negotiations with [Governor] Jerry Brown and with Deukmejian for eight years and [Governor] Pete Wilson for eight years and I was still the Republican leader in the senate when [Governor] Gray Davis came in And I will say that whether you agreed or disagreed with Jerry Brown or Pete Wilson or George Deukmejian they had a vision for what they thought California should be They had a point of view When you went down to negotiate with any one of the three you know Jerry Brown's ideas might be kind of off in space but the discussion was about what they thought the proper policy for the state of California should be With Gray Davis it was dramatically different You go down to negotiate with Gray Davis and it was Well if I do this what support does it gain me and what support do I lose? It was the triangulation the pure political calculus of it You were left with the feeling that he didn't believe in anything

With Deukmejian and this was certainly true of Wilson as well I did not view my job as an independently elected official to click my heels and salute and go along because a Republican governor had taken a position although it's very difficult to exercise independence when the governor is a member of your own political party In a certain sense having Gray Davis as the governor was somewhat liberating because then

it fell to the legislative Republican leadership to be the voice of opposition. Whereas when we had a Republican governor as soon as the Republican governor had planted his feet on an issue we were either with him or we were obstructionists who couldn't get along with our own governor. It was kind of a catch 22 situation. The greatest contribution of both Pete Wilson and George Deukmejian, and an important part of the relationship with Republicans in the legislature was that it just became very clear Republicans were not going to participate in an override of any veto of either one of them.

Eventually it made our job a lot easier because they just stopped doing it. I can remember I carried a Cal Vet loan, a bond for a Cal Vet loan. It was my bill. I carried the bill and then Deukmejian vetoed it. They attempted an override of that veto. You want to talk about an interesting experience standing on the floor of the assembly and arguing against overriding a veto of my own bill while the gallery is filled with all these veterans in their little VFW caps and so on. But it clearly established in the minds of the majority of Democrats that Republicans were not going to override. As a consequence there was far more negotiation over bills, a far greater desire to get it into a form that would be acceptable to either Wilson or Deukmejian. And we stuck to that for sixteen years under both of them.

de GRAAF: That's interesting. Let me take a possible contrasting thing. During your two years, approximately as leader of the assembly, I understand there were several efforts to replace you. A faction, for lack of a better word, gradually takes shape where apparently [Assemblyman] Bill Jones is one of the leaders and the votes become closer and closer. I think once you survived by one vote until finally in '91 you were replaced.

JOHNSON That's not my recollection that there were multiple votes. I mean, certainly there was a period of time when I had a group of people nipping at my heels. Part of that, clearly, was encouraged by Pete Wilson. Pete Wilson and I get along great today. But there's not a doubt in my mind that Pete Wilson was encouraging that and, on the other hand, Willie Brown. Remember, Willie Brown had three [Republican assembly] members in his pocket and there was to be an attempt to remove me. There was a special election for an assembly seat in Stockton in 1991. I was campaigning in the special election for Dean Andal and the naysayers in the caucus, led by [Assemblyman] Tom [Thomas] McClintock, the principal one, were complaining. Paul Woodruff, who was a young assemblyman from San Bernardino County, was one of the ringleaders. They had told the press they were going to vote two days after the election, the election being on Tuesday. The assembly meeting on Thursday was going to vote me out. It was because they were absolutely counting on Dean Andal losing. They kept producing all this material about why. And, of course, refusing to help at all. But a funny thing happened on the way to the vote. Dean Andal won. So they had to, for a time, sit down and shut up.

I believe that I could have resisted when they finally called a caucus meeting, but I insisted. I'm not going to have people nipping at my heels. I think Wilson's people were angry with me because of my refusal to go along with Wilson's tax increases. I remember that the governor had called me down. It was just the two of us in the governor's counsel room at a table there. He said, Ross, I really need your help on this budget. I need your vote. He said, If we pass this budget, we won't have to revisit these issues for the next five years. And I said, Governor, with respect, I think you're wrong. If we pass this budget, we're going to be right in the same

fix next year " Turns out I was wrong We were back in the same fix in a little over two months time

By the way you go back and you can't ever find that I attacked Governor Wilson What I said both in my private caucuses and on the floor of the assembly was It's okay to vote no It's okay to vote no and I'm going to vote no but vote your conscience

Clearly the governor's staff was angered that I didn't take my orders and salute Some of my caucus colleagues who wound up voting for it were angry with me Bob Frazee is one that comes to mind Jerry Felando is another Felando voted for it Frazee voted for it but Felando saying

Well you're the leader You should have voted for it ' I said No Why should I vote for it? I think it was the wrong thing to do I didn't attack you for voting for it Frazee Well I think you handled that badly

What do you mean? Well you didn't vote for it and I did But I said So in other words you're angry with me because I stood up for my principles and you didn't stand up for yours

de GRAAF And by principles in this case you mean Wilson's agreement to raise the sales tax?

JOHNSON Yes You know there was a whole package of tax increases so you had the anomaly of some of the folks who voted to replace me voting to replace me because they thought raising taxes was wrong they thought raising taxes was going against their constituency and they were angry that they did it and not me It sounds bizarre Willie Brown clearly was pushing to replace me because he knew that I had been involved in the previous two reapportionments as a staffer and as a member and I think was concerned about having me in a position of leading the Republicans on reapportionment So the combination of that and then I alluded earlier to

the effects of Prop[osition] 140¹ where a guy like Tom Mays [assemblyman] here in Orange County or Paul Woodruff wanted to see me replaced because every day that I was the leader was a day they wouldn't be you know term limits then being in effect So it was a combination of all those things, which was again grossly exaggerated in the press, oversimplified in the extreme that this was an issue of moderates versus conservatives It certainly was not the case

de GRAAF Certainly if McClintock was one of those

JOHNSON Now in the event that you may find it interesting McClintock abstained after having been the one nipping at my heels the whole while Both he and [Assemblyman] Gil Ferguson abstained and they won with this combination of folks who were pushed by Willie Brown pushed by the governor's people and pushed by their own ambition

Since I mentioned Prop 140 when 140 was on the ballot, I opposed it I thought it was a terrible idea I raised some money in the campaign against it But when it passed I was the only one of the four leaders who didn't join in a lawsuit to throw it out I did then and I still think people in California have the right to be wrong I think it was a mistake but

de GRAAF Why do you feel term limits are a mistake?

JOHNSON That's interesting I think it's interesting I don't know if it's interesting in this context I had a whole number of reasons why I thought it was a bad idea, some of which have proven to be completely wrong For one thing I thought it would increase just the turnover and you wouldn't have experienced legislators and I think that has come to pass And that the bureaucracy would have greater control because it wouldn't be the institutional memory of how this was when the particular program was

¹ Passed November 1990

created I thought that one of the effects would be that the staff would become much more dominant

de GRAAF And that hasn't occurred?

JOHNSON No It has not I think also interestingly I predicted I believed that you'd have longtime staff consultants who would sort of lead the elected officials around by the nose as so often happens with school superintendents and city managers leading the elected officials around I thought it would increase the power of lobbyists over the process and I think a fair analysis is that that has not occurred

In terms of the staff a lot of the longtime staff are gone What's happened is members come in from both political parties and they hire a recent college graduate who was a volunteer in their campaign or maybe was a paid person in their campaign and suddenly you've got this twenty-three year old kid who's the chief consultant to the Assembly Banking Committee who doesn't know anything about the issues And this is Republicans as well as Democrats Then what I call the imposter syndrome sets in The fear of being exposed as not knowing what you're talking about leads you to then sanctimoniously refuse to talk to lobbyists or even other legislators about the subject Well you can see our analysis or whatever

Lobbyists the big part of the influence of lobbyists in years past was the very continuity of the legislature So if you were a Jim Garibaldi [lobbyist] you could go in and talk to [Senator] Al[fred] Alquist and have a little conversation with him and you could get things done in that way Now they need a scorecard to tell their players and often haven't a clue how a particular vote's going to go I still think it was a terrible idea and I

believe that at some point in time long after I have no personal stake in it the voters may revisit that issue

de GRAAF Calderon claimed in his interview that as part the Gang of Five's overall hope to get rid of Willie Brown he introduced a bill I believe it was it may have been a constitutional amendment but I think it was a bill to have term limits This would be about '88 or '89 But longer term limits What he proposed was a twelve year limit with four year terms for the assembly and six year for the senate Do you recall anything?

JOHNSON No I don't In honesty, I don't

de GRAAF Had anybody else ever suggested term limits before Prop 140?

JOHNSON I don't remember that I remember the Gang of Five arguing for rules changes that would prohibit To this day the speaker can and often does remove a member of a committee and frequently just for the day 'Okay we're taking you off and putting on Then next week

de GRAAF Until a bill goes through?

JOHNSON Right because he wants a particular outcome The early stages of the Gang of Five they figured out for example on the Ways and Means Committee that they could hold the balance of power You've got Republicans who consistently or pretty consistently vote as a bloc That made them the fulcrum point But then there was always the danger that the speaker would just take them off That's all I remember I remember I'd been involved in several initiatives and Pete Shabarum who was then on the Board of Supervisors in L A County asked me to stop by his office and so I did We spent about an hour this is something I don't talk about a lot we spent about an hour and he just was pumping my brain on how one goes about qualifying a ballot initiative [Chuckles] I just gave him information tell him Here's what you need Here's some of the people

you can be talking to. You need paid circulators and here's how you get the draft. Just going through the whole thing and about how much money it would cost and all of this and never asked him what [Laughter] That may sound pretty naive pretty incredible but I spent an hour with him and never asked what it was that he was contemplating doing. The next thing I know here comes this damn thing

de GRAAF The next thing you know he's sponsoring 140

JOHNSON I'd run into him from time to time and he'd tease me and say "I remember when you used to be a reformer." I said "It was a terrible idea absolutely terrible." Plus it was plainly punitive in the sense of going after pensions for legislators. And people don't understand this today. You ask people to leave. Like there are three of us or maybe four of us left in the legislature who have any pension benefits. Everybody else gets Social Security and that's it. You get someone in their most productive years in their lives and they're not getting any pension benefits. Of course when they leave there are no health benefits and so on. I think it was just mean spirited for a guy who was getting a very fat pension from his time in the legislature and his time on the board of supervisors. But it didn't bother him. It was sort of Pete thumbing his nose at the political establishment as he walked out the door.

de GRAAF Okay. Just a few more things and I think we will have gone through your legislative career and gotten insights on the legislature in general. Let's jump ahead now to '94. The election of '94 was finally your breakthrough at least in the assembly when the Republicans put enough districts all together to get a slender majority in the assembly. Yet lo and behold you go almost one year without being able to select genuinely your own person

as speaker of the assembly Now how the devil did Willie Brown pull that off? First he gets Doris Allen and then he gets

JOHNSON No He got [Assemblyman] Paul Horcher first

de GRAAF Horcher first that's right

JOHNSON Got Horcher I've told you that Willie used to always have a few Republicans in his pocket [Assemblyman] Jim Brulte had said before the election that his worst nightmare and election night he said this as well the worst nightmare was 41 Give him 42 and then he's got some wiggle room but 41 is just too tight We were concerned about Horcher from the very beginning I will tell you that Willie Brown had figured Paul Horcher out within a week of his taking office He could play him like a violin Horcher was looking ahead towards a possible run for the senate He was very blatant in caucuses I remember one time he got apoplectic red in the face and pounding the table and saying Nobody's going to look after me ' This is before the elections Even though we were concerned it's like a sidewinder there was no warning no rattle Just as his name was called Horcher slammed his very dramatic slammed his hand down on his desk and said Brown

A part of all that was Dick Mountjoy had been simultaneously elected to the assembly and the senate on the same day so the first effort was to keep Mountjoy from being seated It's interesting I guess I have played a role in a lot of little interesting sideshows anyway I was totally prepared and led the parliamentary arguments from the Republican point of view had taken Mountjoy down earlier in the morning and he was administered the oath of office in the assembly by Pete Wilson in the governor's office Then [Assemblyman] Byron Sher stood up to prevent Mountjoy from taking the oath of office on the grounds that he was not

qualified I stood up and said There's only one person on this floor capable of being recognized in the most technical sense and that's Mountjoy because he's the only one that's been sworn in

Anyway I won the battle and that's why at that point in time the chief clerk [E] Dotson Wilson ruled in my favor in a series of motions So what would otherwise have been a Willie Brown victory with Mountjoy being able to vote on the other side ended up being a tie Then two days later Dotson Wilson had to go to the hospital and clearly he [Wilson] was under a great deal of pressure Eventually they threw Mountjoy out

de GRAAF That made the math that thirty nine Democrats versus the forty Republicans and Horcher

JOHNSON It had always been presumed always been presumed that to elect a speaker required a majority of the house that it required forty one votes Willie Brown successfully argued that no now we were down one it only required a plurality So forty to thirty nine and he was in Mountjoy wanted on the one hand to be the hero and be there and be one who had dumped Willie Brown as speaker On the other hand he desperately wanted to be a senator I argued that in taking the oath of office as a member of the assembly he had chosen as between the two He was elected to two incompatible offices I said Yeah well okay To the extent that anybody's got a complaint it's the senate He hasn't shown up in the senate and he hasn't taken the oath of office there I further argued that if he didn't take the oath of office in the senate that would set up a second special election and every Republican in the state would be supporting him because he would have been the guy that ended Willie Brown's political career I actually had typed up a letter for Mountjoy's

signature which I carried around for some period of time a letter to the senate indicating that he did not intend to take the oath of office

I believe absolutely if Mountjoy had pressed the case if they had attempted to expel him and he'd taken it to court he would have won The legislature the assembly and the senate are the judge of the qualifications of their members But I believed absolutely he would have won if he'd taken it to court But he was so eager [to be a senator] When they finally voted to expel him I had put the matter on call I put it on call Mountjoy was irritated with me He was so eager to get over to the senate to take the oath there I actually had transferred I don't know \$225 000 out of a campaign account that I had that I said would be available to Dick if a second special election were required but he was just so eager That kind of goes back to Prop 24 He was so eager to file that lawsuit He was practically wetting his pants to get over and take the oath He wanted to be a hero but he didn't have the determination to stick with it

de GRAAF A sidelight here What do you think was driving Willie Brown to do all of these little tricks he managed to pull in order to stay in as speaker? Was he trying to stay in as speaker for his own ego or did he have a bigger purpose in mind?

JOHNSON I don't think Willie did I used to use the illustration of there used to be a toy a novelty which was a black cube and on one face of the black cube was a little red button You pushed the button and the top would open up and this plastic hand would reach around and push the button That would have the effect of retracting the hand and closing the top back up It served no purpose I think Willie Brown arrived in the assembly in '64 as a wide eyed liberal I think in his tenure as speaker he was much more of a pragmatist I mean he would give lip service to some liberal philosophy

or so on but I think it was the exercise of power that mattered to him far more than a philosophical agenda, and I think that that's always been. Maybe the first couple of terms he was different but all the time I served with him it was power for the exercise of power in my opinion. While I had some of the most violent arguments of my adult life with Willie Brown the fact is I still get along with him to this day and I did have more to do with his being elected speaker certainly than any Republican.

de GRAAF: Okay. To sort of wind this up shortly after this in the spring of '95 [Senator Marion] Bergeson vacates the senate seat in Irvine and you decide to take it up. Why?

JOHNSON: Term limits. If Prop 130 had not passed I would have been perfectly content to stay in the assembly. I never had ambitions to run for any other office. I had had several opportunities to run for the senate which I declined previously when John Briggs stepped down when Bill Campbell resigned when John Seymour was appointed to the U.S. Senate. I would have stayed in the assembly but under term limits in 1996 I was out. When Bergeson became a candidate for the Board of Supervisors I was kind of looking at it giving it serious thought. I had a whole list of things if this happens and this happen and I'm able to do this and this and this then I'll take a look at it. It was pretty interesting because everything on my checklist either happened or I was able to make happen. I'd never represented one square inch of the senate district ever. Doris Allen represented one half of the district. At that time the districts were nested. And Gil Ferguson had for ten years represented the other half of the district.

[End Tape 3 Side B]

[Begin Tape 4 Side A]

de GRAAF You obviously had to make this move before the election?

JOHNSON I actually was reelected without having to extend myself in '94. I did help in other races around the state that I held up the kind of money that I was accustomed to transfer and hung onto a fairly substantial war chest, assuming that early in '95 there would be a special election. I made it clear to Brulte who was the leader at that time that that was my intention. After I was reelected to the assembly in north Orange County then I started looking for a house down in this district and I would talk to people about the reasons I was moving. Then it related to the battle over Republicans being able to take control because Gil Ferguson knowing full well that I was looking at possibly running for Bergeson's senate seat. Ferguson wanted to run for it. Doris Allen wanted to run for it. Ferguson made a tactical or strategic mistake. He presumed that it would be a very effective issue if he could say 'Elect me and it's done. Elect Doris or Ross and that'll set up an additional special election with the attendant costs.' So he chose unlike Doris to not seek reelection in '94. When the special election occurred he'd been out of office for a couple of months. As he learned to his sorrow how quickly people forget.

But presuming that Jim Brulte would possibly side with me he advised and counseled Horcher to go with Willie Brown because he didn't want to be in a race with me being supported by the Republican speaker of the assembly and be the first Republican speaker since Bob Monagan and so on. Horcher didn't keep his mouth shut with respect to that so there were some newspaper articles and so that became a very major issue that I effectively beat Gil over the head with. Then he again made a very strategic mistake. He tried to explain what he had done where if he had

been smart he would have simply said Anybody who knows me knows that I wouldn't do that Whatever He kept trying to explain I didn't tell him that exactly I told him he could trust Willie Brown I told him that he should go down and get Brulte to commit that he would get committee assignments that he wanted Then I was able to come right back and say Gil if that's the case why didn't you tell anybody else? Why didn't you pick up the phone and call the governor? Why didn't you talk to any other Republican member of the legislature and tell them that that was your concern? It just doesn't work Gil Anyway in the event we beat him fairly handily

de GRAAF One significant fallout of this however seems to be that Doris Allen was miffed at you and as a result made a deal with Willie Brown to become the speaker?

JOHNSON Yeah And that's a point that's been made repeatedly over the years I want to back up and tell just a little story about Doris I could sit here for the next hour and tell you Doris Allen stories because this was not the sharpest tool in the shed okay? We had a caucus meeting it was an election year the day after the election or the day after that Two days after the election in '94 here we are with all of our new Republican colleagues Doris Allen sitting next to me Who are these people? Who are these people? And I'm going around and pointing out that's so and so and this is She hadn't a clue She was such a non participant in trying to help elect Republicans Now to the point that she was miffed that I came in and beat her if I hadn't been in the race Gil Ferguson would have handily defeated her So she'd been just as upset over that In fact she had much more of a history of fighting with Ferguson In fact the first time I talked to her about the possibility that I might run for the senate in this seat that I

JOHNSON currently represent she said ' Well if I don't run I'll probably endorse you I'm not making this up

Then when it became obvious that Gil and I are both running then Doris thought I can just run up the middle I'll let them attack each other and I'll just run up the middle But by the time she actually started doing something I had it won I know it's immodest but I came from nowhere I've got two elections in my life to look back on One my first primary for the assembly where I was the stealth candidate and nobody saw me coming and the second being that special election for the senate where obviously everybody saw me coming but didn't think I could do it I can remember talking to people and hearing them say ' We'd sure like to have you in there but too bad you can't win ' The first survey had Ferguson at 29 percent Doris at 21 percent me at 2 percent Then I recall we did a survey oh about ten days after and I was still getting my butt kicked still getting my butt kicked

Then we started looking at the cross tabs and I had a very aggressive absentee ballot application program that we'd sent out We'd send all these mail pieces to the people that had actually applied Then we'd drop them from the mail when they actually cast their votes We looked at the cross tabs ten days out and I was still losing handily to both Gil and Doris but among people who had already cast their votes by absentee I was winning I knew that the rest of the high probability voters were going to get the same mail that the absentee voters had already received Then I had a lobbyist for the Teachers Association come in the Wednesday before the election and say they had just conducted a survey They did an independent expenditure for Doris and he said Look we just

surveyed. If you finish up doing what we're pretty sure you're going to do then you're going to win. And we did.

de GRAAF: Once you won the primary, the district was such that the general election was sure?

JOHNSON: Yeah. It was a foregone conclusion. My Democrat opponent in the runoff was a lady named Madeline Arakelian, who was sort of a perennial gadfly Democratic candidate. The race was in the first round.

de GRAAF: Now, what was your impression of the senate, the way business was conducted, the relationships among senators, compared to the assembly? Was it a more collegial, laid-back body?

JOHNSON: Yeah, and still is, still is. The senators tended to be older. They tended to be more experienced in the legislature, and just greater maturity on account of age. To this day, there's not as much [civility]. I remember watching the assembly sessions, and my gosh, people were yelling. It's much more gentlemanly, or much more civil in the senate.

de GRAAF: Was the president pro tempore as much of a power in the senate as the speaker was in the assembly?

JOHNSON: Absolutely. No question about it. [Bill] Lockyer could exercise that power often in some arbitrary and funny ways. He had a philosophy that there was a value, for example, in keeping the members in session. He'd lock the doors and keep you in when there wasn't a damn thing going on. [Senator] John Burton has been a very dramatic difference in that respect. His attitude is, if we're not doing something, why keep people hanging around. But, oh yes, there's a reason why you see so often in the papers John Burton referred to as, before the recall, as the state's second most powerful Democrat. He wields a great deal of power and in much the same way that I've described earlier, that ability to reward and punish.

I enjoy a very good relationship with John Burton. He sort of has this legendary temper and eruptive sort of Tourette's syndrome stuff and a string of expletives and so on. There's never in all the years I've known him been a cross word between us. I mean I see him yelling at someone else and then turn around and he and I are joking about something. So on a personal level I like him a great deal. We're totally different in terms of our political philosophy but we share an interest in old movies and old time radio shows and in music and so on and have similar senses of humor. We get along fine but no question at all about the power that he wields. Any time John Burton wants to put together twenty one twenty two votes he's going to do it. End of story.

de GRAAF: Now you were in the senate only about three years when you were elected the senate minority or Republican leader. Was that kind of a short period or did they already know you well in the senate?

JOHNSON: Well yeah I'd been around for a few years [chuckles] by that point.

de GRAAF: A side note here. Did assemblymen and senators mingle with each other commonly so your long tenure in the assembly would have made you well known to the senate?

JOHNSON: Oh sure although that seems to happen less and less. And obviously you give the people in your own house a lot more. Oh sure I mean I was well acquainted with all the senators before I was elected to the senate and I think that most if not all of them endorsed me in the special election. Ken Maddy who was the Republican leader at the time in the senate a lot of the mail pieces that he put out and the walk pieces that he used and so on. I wouldn't absolutely swear that I had everyone but I think I had if not everyone virtually everyone. And I had virtually every member of the assembly that endorsed me as well.

That was one of the things that Doris Allen talked about. We put out a piece called "the headline was 'Respected' ". On one side it was about all the nice things about me, people like me, and the other was "Rejected". Here under my name the list goes on and on with all these legislators. Then under Ferguson there were two names, and under Doris there was one. And the one had endorsed me as well. That was Brulte.

But your question, they're sort of separate. Senators tend to kind of look down on the assembly as being overly fractious. Debate goes on seemingly interminably in the assembly. I mean, you can have the most non-consequential resolution or something and they'll have twenty people get up to debate it. That happens very, very rarely in the senate.

de GRAAF: Now, as Republican leader in the senate. Well, let's see. Republicans never had taken over the senate, had they? It was always the Democrats' majority, wasn't it? What did you find your function to be? Did you meet regularly with Lockyer and Burton, for instance, on agendas or policy matters?

JOHNSON: Oh, sure, sure. And I'd meet with the governor, the so-called Big Five meetings on budgetary issues, and so on. Sure, sure. I do that to this day. From a minority point of view, I mean, you're playing against a stacked deck. As I say, the most that is to be accomplished, given that the deck is so stacked against us. Again, go back to the three-legged stool. *The money*. I struggled to raise a couple a million dollars as the Republican leader. My Democrat counterpart raises ten. I mean, each time as Republican leader, I raised the bar. It would have been an all-time record and was for Republicans, but my counterpart, the bar kept raising on the other side, because contributors by and large want to contribute to people that they perceive as being in charge. Ronald Reagan had a great phrase

for that. He said, 'They feed the lion in the hopes that they'll be the last to be eaten.' People who wouldn't think of contributing on a philosophical basis could do simply with the rationale that he can get access. After all, he's the president pro tem of the senate and controls that whole flow of legislation. And that's right. He does. Or the speaker of the assembly, or he would contribute to the chairman of the Budget Committee, or the chairman of the Finance Committee, or the chairman of the Governmental Organizational Committee, those kinds of things. So you're engaged in policy, but you're engaged in politics as well.

de GRAAF: Now, you held this position for a couple of years, and then in 2000 resigned. I believe it was because of illness in the family?

JOHNSON: Yeah. My wife was suffering from cancer. My mom was deteriorating rapidly, had a whole series of health problems. And then my oldest daughter was having health problems. I'm pleased to say that Diane is fully recovered. Susan is more or less recovered, my mom will never recover. I felt I could do the job of being a senator, but the additional responsibilities of being the Republican leader on top of having to deal with family problems [were just too much]. I felt I would not have been doing justice to the job, so I went to Brulte and told him that I wanted to step down and that I hoped that he would consider stepping into the position. He agreed, and I called a caucus and announced my resignation, and then proceeded to nominate Jim Brulte as my replacement. So for once, it wasn't a battle on one of these things.

de GRAAF: Now, going to the senate caucus in the nineties. Did you have the same, for lack of a better word, factions? Did you have a definite conservative and a definite moderate group in the senate in the nineties as you had in the assembly in the eighties?

JOHNSON Yeah Well again I made the point that I think the press has oversimplified and exaggerated that philosophical difference and actually the members were much closer philosophically than one would have ever presumed based on news accounts But having said that yeah if anything there was when I arrived in the senate somewhat of a wider philosophical gap [Senator] Tom [Thomas] Campbell was there at the time a great guy I liked Tom a lot He was my first seatmate in the senate but much more a liberal in terms of his political philosophy than myself [Senator] Bill [William] Craven from San Diego County God rest his soul he's passed on I don't think he had any political philosophy at all He just enjoyed the job and enjoyed being a senator He had very serious health problems by that time very serious health problems Missed a lot but when he was there all a liberal Democrat with a bill who needed a vote had to do was go over and ask Bill for the vote and "Oh sure He would cast a vote [Senator] Bob [Robert] Beverly a great guy someone who supported me Going back to the time I was a staff person his natural inclination was more moderate

I think in the last several years the caucus has become much narrower philosophically The most liberal member today clearly I would say is [Senator] Bruce McPherson and then you've got some very conservative members like [Thomas] Rico Oller and Tom McClintock We agree far far more than we disagree The biggest thorn in our side over the last couple of years has been [K] Maurice Johannessen Again that's not a philosophical thing He ran as a conservative ran for reelection as a conservative But I don't think he has a political philosophy so he became easy pickings for the people who have the power to reward and punish

de GRAAF Now did you find that the senate duties or tenure were significantly different when Wilson was governor as opposed to when Gray Davis was governor?

JOHNSON Well Republicans had a stronger position when they had Republican governors as I've mentioned before. We could threaten the possibility of a veto and it was clearly understood that if a bill was vetoed it wasn't going to be overridden. That caused our Democratic counterpart to occasionally actually negotiate with us for potential amendments to proposals. After Davis came in there was this sort of general perception that Republicans are sort of irrelevant. So it was tougher to negotiate even on matters that required a two-thirds vote. At least we made the effort and occasionally with success. Certainly from a political context we had to work twice as hard to put together campaigns to raise the money necessary to campaign.

[End Tape Four Side A]

[Session 2 January 9 2004]

[Begin Tape 5 Side A]

de GRAAF This is the second interview with Senator Johnson It's occurring on the ninth of January 2004 at Senator Johnson's office in Irvine The interviewer is Lawrence de Graaf First of all Ross I'd like to go over a couple of things from the first interview one of which was a casualty of the tape At the end of tape three we were talking about the frustrations of being a minority party perpetually and you noted the majority party could often siphon off a few votes Willie Brown having two or three Republicans often in his back pocket and that way have even greater influence over issues and agenda I asked if [George] Deukmejian had set forth some agenda to the legislature in sort of an effort to offset that Your reply began "I felt that part of the leadership of the Republican party That's where the tape unfortunately ended

JOHNSON Well two things Obviously any governor has a program George Deukmejian is a friend of mine and a fine gentleman not the most charismatic of people The other great advantage that a governor has is the veto or the threat of it In both George Deukmejian's time in office and in Pete Wilson's time one of the greatest weapons in the Republican arsenal when the Democrats could control both houses and negotiated with Republicans on legislation was expressed as This is going to be vetoed It became very clear in the minds of the Democrats that the Republicans were going to be united on that that no veto of George Deukmejian's or no veto of Pete Wilson's was going to be overridden Period And as a consequence fairly quickly they just stopped trying and never even bothered to take it to a vote because the result was a foregone conclusion so that certainly strengthened the Republican position

We developed in the assembly Republican caucus a practice of sending letters to the governor urging vetoes when a substantial majority of our caucus had opposed something for example We always basically had a formula for it This bill passed the assembly with twenty five no votes and so many Republicans opposed Frankly a good part of the time, both Governor Deukmejian and Governor Wilson not always obviously followed our advice It works both ways

de GRAAF Was this unprecedented?

JOHNSON I don't know of it having been done before on the [same scale] I mean as the assembly Republican leader I signed Lord knows how many letters of that type urging vetoes Again not always was our recommendation followed but it was certainly followed often enough to make the exercise worthwhile

de GRAAF One thing that I think is rather remarkable about this is that obviously a counter that the Democrats could and probably sometimes did try to play was to appeal to individual Republicans whose parochial interests might be served by breaking with the governor's veto Yet in Deukmejian's and I guess in Wilson's time that never worked

JOHNSON It never worked

de GRAAF That was remarkable I think

JOHNSON It's one thing to persuade someone to vote for a budget say on the basis of some pork project in your particular district or to vote for other legislation on the basis of some perceived benefits It would be another thing entirely for a Republican legislator to vote to override a veto of a Republican governor and do that alone or in company of two or three others

de GRAAF They would be ostracized for that?

JOHNSON They would become a pariah not only among the Republicans in Sacramento but Republicans in their own area and voters in their own area. The technique of isolating a few Republican votes depended upon the voters back home never catching wise to that. You don't go home and say I work with Willie Brown very effectively and we do this and we do that. No. You go home and say Willie Brown is a dirty name and I'm a good Republican and I don't go along with that. Not just to Republicans but to the constituencies in their districts. I might add that wasn't just Republicans who were going along with him who did that. Democrats did it as well. would be there and be a loyal soldier for Willie Brown and taking the perks that he would hand out staff and the office space and the extra mailings and all of this and go home and criticize him.

That touches on another subject that is always and always has been a sore point with me. Maybe a worthwhile reform would be to require in some central depository every piece of mail that goes out for a candidate for the legislature because I will tell you that some of my most liberal colleagues who are at such a far remove from me in terms of their political philosophy and their voting records when you look at the material they send to the voters when it comes time to be reelected it doesn't differ one iota from mine. So it's bait and switch. It's sailing under false colors.

de GRAAF I had a question I wanted to ask along this line of archives. Your reference to the letters that you as majority leader or somebody in the caucus wrote to

JOHNSON I wish it had been majority leader but it was minority leader. [Laughter]

de GRAAF Where would these be stored?

JOHNSON I presume they're among the papers of the governor. I presume that they're in with the bill on the governor's desk if there's a file that they looked at and so on. I've never had occasion to go look for it.

de GRAAF The second matter from the interview is this sort of unfinished business. You mentioned that you are the sole remaining member of the class of '78 or the Republicans who were elected in '78?

JOHNSON No, the entire class.

de GRAAF The entire class, okay. And of that group, to quote you, that was willing to work hard. Now, were you implying that current legislators don't work hard, or that they don't do the sort of campaigning for fellow party members that you did?

JOHNSON The great bulk are not willing to go out and help elect like-minded individuals. It falls more and more to leadership in the two caucuses in each of the two houses. I do believe that what you're referring to is the nature of a group of us basically elected in 1978, but we're sort of unique in my view in politics at this level in the country, a group of people who were willing to set aside their own personal ambitions for what we perceived of as a worthy cause. Sometimes it works, sometimes it doesn't.

de GRAAF Just for the records, you will have, when your time expires this year, served for twenty-six years continuously. Is there anybody else in the legislature who has served that long? [John] Vasconcellos?

JOHNSON Yes, John came, I believe, in 1966 so he's been around continuously since 1966. Although, I think I noted for you last time that I've been in the senate longer, so I'm the dean of the senate but he's the dean of the legislature as a whole. Then [Senator] John Burton, I believe, will have the same twenty-six years that I will have, but he served for a time in the assembly, then went to Congress, then came back. So it was not

continuous. Then in the post Prop 140 era, the list of folks who have been around long is small.

de GRAAF: Interesting. Okay. Now I'd like to go into the topic of reapportionment which you described as one leg of the stool that explains why the majority of Californians in your estimation don't see their will realized in the legislature. First of all, by background, had you had any experience with reapportionment as an issue or process before the 1980 reapportionment came up?

JOHNSON: Yes. Yes, I did. I was on the Republican staff in the assembly on reapportionment in 1971. Now Congressman Jerry Lewis, then Assemblyman Jerry Lewis, was the Republican vice chairman of the committee on constitutional, whatever it was called at the time, constitutional amendments and reapportionment. I worked on that staff through the 1971 effort at reapportionment for a couple of years. As a part of that, I had done at the time considerable research into the court ordered reapportionment in 1965 in California.

de GRAAF: You say you worked on it. Did your work as a staffer include actually trying to draw the boundaries of

JOHNSON: Oh, sure. We developed an entire system. It's sort of an interesting sidelight that in each of the reapportionments beginning in 1971, the Republicans didn't have the votes, but each time they actually had a superior technical capability. But the technology has advanced so rapidly as you can imagine over the last thirty-four years or thirty-three years that. We had stuff at the time that was sort of cutting edge, digitizers and equipment that actually took a long time. Now you can do it in moments.

de GRAAF Some time ago I had a tour of the Rose Institute and they showed me the way they made these things. It was amazing.

JOHNSON Well, Allan Heslop [of the Rose Institute] is someone I worked with on that reapportionment effort in 1971.

de GRAAF In '71 did each of the two parties develop their own ideal districts? Was that the way the process actually worked?

JOHNSON That's correct. Both parties had a plan. If I recall correctly, the Republican plan in the assembly was A B 1971. I'm not very good at remembering the numbers of bills, but that was introduced as A B 1971 and it involved Republican ideas for districts which were soundly denounced by [Assemblyman] Henry Waxman, the lead Democrat on that reapportionment committee. He just baldly asserted in attacking it to the press that it would mean at least six more Republicans or eight more Republicans would be elected. I can just tell you, on my life, that wasn't the intent. I remember being so frustrated at the time because the media just simply never questioned that. It then became a part of the conventional wisdom so that columnists and editorial writers and so on would just say it would do this. No one ever said show me how or why. That was a great frustration to us.

Our honest intent had been. And if I were king today and could do it with the waving of a wand, I would want to do this. That is, to maximize the number of truly swing districts, districts that in a given election cycle might go to the Republicans, might go to the Democrats depending on the issues at the time, depending upon the quality of the candidates and the campaigns that they ran. I tell you, certainly, individual members, and that was always a pain in the neck to try and bring members in, well, I want this and I want that. Well, you can't get it. I need my

brother in law's house in here this and that but our intent was always to have competitive seats and it was because we honestly believed that we represented the legitimate point of view of a majority of Californians and that that was being thwarted by among other things the way in which legislative districts were constructed

If you go back and look over the last thirty years you'll find again and again and again that Republicans in terms of Take a look at the total vote cast for Republican candidates for the assembly statewide and look at all the votes cast for Democrats for the assembly statewide and sometimes Republicans actually got substantially more votes Sometimes it's within ten thousand or something like that But never has the vote disparity well I shouldn't say never You'd be hard pressed to find an election where the disparity between the total number of votes cast for Republican candidates and the total number of votes cast for Democrat candidates justified the disproportionate representation in Sacramento

de GRAAF This is a sidelight probably a fanciful one Do you recall anybody seriously raising the idea of using like some European countries a proportional representation?

JOHNSON No No one that I recall And I suspect that if it had been as you characterize it as serious I would have been exposed to it So no

de GRAAF Do you recall in the seventies when it was finally worked out I imagine it was some sort of committee in which these two plans were brought together?

JOHNSON No In 1971 what happened was the Democrats It wound up deadlocked and my memory fades here a little bit I had left the staff by that time so wasn't involved when it finally was adopted I believe that it was in 1973

de GRAAF I lose track of details too [Ronald] Reagan [governor] tried in some way to get into the process didn't he?

JOHNSON Memory fades I believe that one set of legislative plans Governor Reagan vetoed Then it may have been re passed [and was again vetoed] I believe the court intervened and set districts and that then went into effect for the 1974 election It did things that ought to be I think in the constitution For example they nested assembly districts so that each

de GRAAF Two assembly for each senate?

JOHNSON Yeah And the boundaries were contiguous An assembly seat was half of a senate seat

de GRAAF Do you recall if that was the first time that had been done?

JOHNSON I believe it had because the '65 court ordered reapportionment on the basis of one man one vote was different If you'll recall that case involved the question of what was the meaning of one man one vote as laid down by the United States Supreme Court on California for senate races because at that time a senate seat was composed of entire counties and not less than one county nor more than three counties so that Los Angeles County had a single senator at that time The court ordered reapportionment and the legislature did it in '65 for the '66 election Then in '71 and '72 the legislature failed and I believe it was a result of a Reagan veto But when the issue was finally resolved I had left the staff of the legislature and was not involved So then we go to 81

de GRAAF The so called Burton Plan That's the name given it He wasn't the one that actually drafted it was he?

JOHNSON No I believe he did with respect to the congressional delegation It was interesting I made the reference earlier to technology and the use of technology [Representative] Phil[ip] Burton was an amazing individual

and what other folks would have to go out and plot on the computer his computer was in his head A very bright and very effective individual He clearly was responsible for the designing of the congressional plan, in my view I think that may have been the one that he referred to as his contribution to modern art

de GRAAF I think Jimmy Roosevelt's district particularly the 26th Congressional District was something like a snake

JOHNSON That was previously but that plan involved districts that were like barbells A stretch of the freeway median for a mile and a half linked There was obviously nobody there but that sort of thing At any rate what happened in the 1981 reapportionment was there was a big fight but the Democrats prevailed They had the votes and they had the advantage over the Republicans And they quite consciously instead of doing it in one bill did it in three separate bills Republicans went out and in record time qualified referendums on all three plans and those referendums were on the June ballot in 1982 and I was very much involved in that effort

de GRAAF In what way?

JOHNSON Oh going out and campaigning for it raising money for it pushing the idea It was very much of a unified effort by the Republican Party to go out and qualify and pass these referendums but a very big difference and I believe you can go back and look at the court decisions on the reapportionment issue in the seventies versus the decisions in the 1960s I remember that the reapportionment plan for California had been adopted by the legislature with Democrats in control of both houses In 1965 the state supreme court had ruled that on the basis of one man one vote that the scheme for electing state senators had to be altered and you had to

Well the fascinating thing was that the state of the law in terms of court decisions at that point in time was variations widely presumed 15 percent plus or minus That's close enough so you're not running afoul of one man one vote standard So the Democrat controlled legislature and a Democrat governor for the 1966 elections created and remember that's based on the 1960 census data districts which in the areas by and large the Republicans areas were wildly out of date by 1965 I mean districts in Orange County or San Diego County were hugely overpopulated In drawing the lines in the '65 reapportionment the standard that was used by the Democrats drawing the plan was to be 15 percent under for Democrat districts and 15 percent over for Republican districts Even if the data had been current which it was not that would have meant a 30 percent swing It was just designed to disadvantage Republican voting areas

In the 1970s the court said well we're going to allow the elections to go forward in the existing districts In the 1980s they said we have to have an interim plan therefore the election June 1982 will be conducted in the districts passed by the legislature So in the primary election in June of 1982 on the same day the people of California rejected the congressional plan rejected the assembly plan rejected the senate plan they rejected all of them but nominated candidates for office in all of them The result was that Jerry Brown still governor came back in November

de GRAAF That meant that the November election was carried out in Burton Plan districts

JOHNSON Yeah They had to have an interim plan they said Now there may have been an argument for that In fact there surely was an argument for that on the congressional but there wasn't such an argument for the legislative districts But we were brought back in in December the new legislature

Jerry Brown was still governor and we were faced with the possibility that a second total Democrat gerrymander would be passed and we'd be put in a position of repeating reapportionment including new referendums. There also was a ballot measure on in November of 1982.

de GRAAF: Was this the Sebastiani initiative?

JOHNSON: No. [Assemblyman] [Don] Sebastiani came later. Sebastiani never made the ballot in my recollection that the court took it off. I may be misremembering.

de GRAAF: No, you're right. It was Proposition 14. I'm sorry.

JOHNSON: Sebastiani actually, if I recall correctly, had a plan. This is how I'm reapportioning the state of California. My recollection is that he was short-circuited and it never went to the ballot. But the supreme court interpreted the provision in the constitution that says that the legislature shall reapportion after each census to mean that that was exclusive right of the legislature and that the people couldn't do that. I mean that was a bogus decision.

Back to '82. I think you're right. I think it was Prop 14 on the November ballot that would have turned reapportionment over to an independent commission that I believe involved retired justices.

de GRAAF: That's a bit of a surprise. The referenda win and yet this thing loses.

JOHNSON: Well, there were several initiatives later in the eighties with reapportionment and they all lost. Going back to the point I made earlier about how the disingenuous nature of some of the public debate over retired justices was, I think, a [distraction] because who are retired justices? Well, by and large, they're older white men. And that opened up a line of attack. I believe that in the later reapportionment initiatives in the eighties that was when Willie Brown and these arguments came together.

Can I just back up? We've been talking quite a bit here about reapportionment. There is nothing that's more fundamentally important to the process, the political process, than the drawing of the district lines, the reapportionment process. I mean, it's absolutely fundamental, and so often the result is a foregone conclusion before a single vote has ever been cast where in Sacramento a district would be referred to [as one person's]. In the reapportionment in the eighties, there was a congressional district like a wishbone going up the Central Valley area, and it was never referred to in the legislature as anything but the Lehman district because it was drawn for then assemblyman Rick Lehman. It was a foregone conclusion Rick Lehman was going to go to Congress if that district was enacted. But you mention reapportionment to the public, and it means their ability to choose their own representatives.

I'll make another point with respect to initiatives generally. If I were a campaign manager, with all things being equal, whatever the initiative, I'd rather be on the no side. Not because I'm a negative person, but because it's easier to create doubts than it is to convince me. I've been involved in a number of ballot measures. In your initial surveys, if you don't start off with about 70 percent of the vote, chances are you're not going to win, because all the opponent has to do is create some doubt. In these reapportionment initiatives, there were a lot of red herrings raised. It's going to destroy the Coast or it's going to destroy the environment. It wasn't going to do anything of the sort. It was just going to have the opportunity for freer, fairer elections.

de GRAAF: Even that wasn't the end of it, as I recall, in the eighties, there was a Proposition 39.

- JOHNSON I didn't finish what happened in December and that was that faced with the prospect of another Democrat gerrymandered plan signed into law by a lame duck governor Republicans got the best deal that they could given the possibility of going out and going through what they had just done in terms of qualified referendums and so on So that's what happened in '82
- de GRAAF Sometimes that's referred to as Burton II but you say it was a sort of a compromise deal?
- JOHNSON Well to call it a compromise would be to overstate but it was avoiding potentially worse results for Republicans That by the way is exactly what happened in the 2001 reapportionment Republicans going along with something to avoid something that from their point of view would be even worse
- de GRAAF There was one final shot and that was a Proposition 39 came up in November '84 It was similar to Proposition 14 and would have set up a commission You say it was just one of those several efforts to reenact the commission that lost?
- JOHNSON Right I think that that was the proposition that Governor Deukmejian was pushing I'm trying to sort out in my mind the sequence There was an election where there were two competing reapportionment commission plans before the voters but they both lost I do though recall Governor Deukmejian and arguing with him It was George Deukmejian who personally insisted that the commission should be made up of retired justices of the appellate court and I argued that isn't going to fly It didn't fly and we are creating an opportunity an Achilles' heel at the insistence of one man who was insisting [on retired justices] And it's just because that's the kind of man George Deukmejian was He thought who's going to do the fairest most objective job of this? Retired appellate court

justices These are men and women who have spent their careers That was his point of view

Then the television ads that were run in opposition showed just the opposite view of the Democrat colleagues who liked the idea of judicial activism showing the smoke filled room and the guys about to be appointed as the judge and saying, 'Don't worry I'll do the right thing when the time comes I'll do the right thing for the party when the time comes

de GRAAF Now in the nineties I understand that right at the beginning in June of 90 there were again two ballot efforts to set up a different way of doing reapportionment

JOHNSON Yeah That must be when the Heuning deal came up

de GRAAF One was [Proposition] 118 which required a two thirds vote and a referendum

JOHNSON Yeah

de GRAAF Did you have anything to do with shaping that?

JOHNSON I sure did I was involved with the discussions that led up to the draft of that I had a different proposal and I'd been led to believe by representatives of the governor that there would be support for my proposal and theirs Sal Russo who was a political consultant in Sacramento to Governor Deukmejian liked the ideas that were embodied in what became that initiative I had proposed criteria for reapportionment and wrapped it into a package earlier Prop[osition] 24 we need to talk about that at some point Prop 24 had eventually been thrown out by the courts on the basis not that people couldn't do this but they couldn't do it by statute It had to be a constitutional amendment So there were discussions

I thought we had reached an agreement that we would go orward and the funding would be provided for both the Deukmejian proposal and mine. Then a San Mateo County supervisor Tom Huening

de GRAAF How do you spell that do you recall?

JOHNSON H u e n i n g I think I wouldn't swear to it. He was an ambitious San Mateo County supervisor. I haven't any idea what he does today or whatever happened to him. But I can recall a meeting at the Red Lion Inn at the airport in Sacramento with pollsters and the executive board of the Republican party and so on a bunch of people came in. Sal Russo was there. Mr. Huening said to me derisively "The Lord helps those who help themselves" and I think that the Republican Party ought to do that as well. I've already gone out and begun to do this and this and this where all Mr. Johnson has is just a proposal and he's looking basically for the funds. It was because representations had been made to me that that's what they were going to do. At any rate they did not so I did not go forward with mine. As I predicted both of these went down to defeat. They were slightly different takes on the same concept. I'm sorry that's not correct.

de GRAAF [Proposition] 118 was different but [Proposition] 119 would have set up a commission¹

JOHNSON Yeah. What the first proposal would have done was establish criteria and then say whatever a two thirds vote in the legislature and it's automatically referred. And I would say again the fact that people's eyes just glaze over when you talk about reapportionment. I'm tickled that yours haven't so far. [Laughter]

¹ Proposition 118 passed, Proposition 119 lost in June 1990

de GRAAF I've always recognized this as an important aspect although I'd never seen it as quite as fundamental to the outcome of legislation as you're suggesting it was. But I can appreciate your view.

Now, was Willie Brown a big pusher of the 1991 legislative plan? I've gotten the impression that Brown went around to various people and tried to make, in effect, a safe district oriented plan. Do you recall that? Guarantee x number of legislators that they could keep their seats?

JOHNSON No.

de GRAAF He may not have come to you, but

JOHNSON Well, he certainly didn't come to me. I would just go back, by the way, to the election of Willie Brown as speaker in the first election. Giving Willie credit, I believe he meant it at the time. I mean, honestly, I'll go to my grave believing that at the time he made the commitment to us, he intended to do that. I think he got out maneuvered within the Democratic caucus by Howard Berman, and Howard and Michael [Berman] are experts in this area. Previously, Willie was kind of concerned about Willie's district, so I will also always believe that Willie was out maneuvered and forced that reapportionment plan in the eighties because he'd been boxed in by Howard Berman. But then he was so adroit. He was one of the greatest political broken field runners that ever was. He's credited with being a genius because he used reapportionment to consolidate his power and shipped these folks off to Congress. He didn't have to worry about them anymore.

By the 1991 reapportionment, I had been replaced as the Republican Leader in the assembly, and there's not a doubt in my mind that part of the reason that I was replaced is that Willie's friends within the caucus voted to do so. He was concerned about having me at the helm.

JOHNSON during reapportionment. As it turned out, that was a mistake because the folks who would have most readily bought into a Democrat plan suddenly were no longer on the outside in the caucus; they were on the inside in the caucus. That gave Republicans collectively a better bargaining position.

Notwithstanding that, the Republicans in the senate were poised to strike a deal: an incumbent protection plan for the senate and pass it with a two-thirds vote, send it over to the assembly, and therefore they could hold any assembly plan for ransom, insuring that ultimately a senate plan would arrive on the governor's desk with a veto-proof majority.

I had been in the doghouse, obviously, after I had been removed. One of the other big reasons that I was removed was because the Wilson administration was pushing to have me removed because I hadn't been sufficiently cooperative in terms of the tax increases for the budget. But I came out of the doghouse sufficiently to be invited to a meeting in Governor Wilson's office at a propitious moment because it was just as the senate was poised to do this deal.

Interestingly enough, Dick Mountjoy was in the same meeting in the governor's cabinet room, and both of us began to pound on Bill Leonard, who was then in the senate, the senate caucus chairman, about how he. Well, Wilson was laboring under the delusion that we, I and my friends, as disgruntled people who had been tossed out on our ears, would be the ones that would be willing to make a deal with the Democrats, and being disabused of that in such a direct and obvious way. Then suddenly he's putting the word out: "This ain't going to happen, boys." And the senate went back to the drawing board. Ultimately, the issue wound up in court, and the court drew the lines. I can tell you

categorically that as to me Willie never once talked to me about what my interests might be

de GRAAF But you do agree that incumbent protection was one of the criteria of the original 91 legislative proposal as the Democratic majority pointed out

JOHNSON I guess you can look at that two different ways People from the outside looking in say well we're talking about incumbent protection From Willie Brown's point of view what he was doing was guaranteeing their unfair advantage over the process He was maintaining their Democrat majority by these plans How do you do that? Well you do that by concentrating your opposition You do it by having a minimum number of competitive districts

de GRAAF One other factor I gather that came up during the 1990 redistricting was the Voting Rights Act and particularly the demands of Latinos that there be one or more Latino districts Do you recall that being an important

JOHNSON Oh sure It was a big deal in every reapportionment that I've been involved with Republicans argued not that this ever necessarily was noticed but back in 1971 we argued that our interests and those of Hispanics were the same and both should oppose the Democratic plan for Hispanics which was to create districts that were

[End Tape 5 Side A]

[Begin Tape 5 Side B]

JOHNSON fundamentally pie shaped Not the whole pie but a slice of pie or spokes of a wheel They were designed to incorporate enough Hispanics in a given Democrat district to ensure there was going to be a safe Democrat district but not so many as to give the Hispanics an actual opportunity to determine the outcome of that election select one of their own So you had

a lot of liberal white Democrats representing Hispanic communities. And why did they do that? To weaken Republicans in the suburban areas in Orange County in Riverside in San Bernardino County in the Republican areas. They're not Republicans at all anymore but at that point in time the northern tier Pasadena, Monrovia, all those Glendale were all highly Republican areas so it was to dilute the strength of both Republicans and Hispanics. So yes absolutely in the '71 reapportionment we tried to make common cause with Hispanics and said Look your interests and our interests are the same. That theme by the way has been consistent all the way through.

de GRAAF: In the '90 reapportionment, do you recall that the Republicans actually sat down with Latino organizations like MALDEF [Mexican American Legal Defense and Education Fund] or something like that and tried to work out a deal?

JOHNSON: Again I was sort of on the outside then so I wasn't the spokesman. But yes I'm sure there were.

de GRAAF: It's going to be I think, of interest to some specialists on this. When we say that the supreme court appointed Masters to draw up the redistricting law and in this case I believe was in just about two months did they actually sit down and draw it up or did they go to a place like Rose Institute or something like that?

JOHNSON: They went to Bruce Cain. Bruce Cain.

de GRAAF: At the Institute of Governmental Studies at Berkeley?

JOHNSON: Yeah. That's where he is now. That's right. He drew the plan.

de GRAAF: Now the 2000 reapportionment were you involved with that at all?

JOHNSON: Yes. Yes I was. I was the vice chairman of the committee in the senate and directed Republican staff in coming up with suggested lines and

JOHNSON analyzing the effect of lines that were proposed and so on. But I would emphasize because I think I made some reference to it earlier when we were talking about back in the seventies with both houses of the legislature controlled by the Democrats and Jerry Brown. Here you had a situation where both houses of the legislature had Democratic majorities plus a Democratic governor in contrast to the [veto threat] we had in the 1970s and 1980s. The one slim arrow in our quiver was the threat of referendum of an unfair plan but it was a bluff. We knew that the resources weren't there and if they passed them we would not be able to successfully referendum. Where was the money going to come from to qualify a referendum and to pass a referendum? We certainly again used the theory particularly in the congressional plan, that MALDEF and these groups who were proposing these plans that we ought to be at least open to them listen to what they had to say. So that's why I say it's been a consistent theme over thirty years.

When it came right down to it the Republicans went along with [the 2000 plan]. And it's been roundly criticized by editorial writers and columnists and pundits and party activists more in the Republican Party than the Democrat party that this was a sweetheart deal an incumbent protection plan. That's not the case. From my point of view that's not the case. That may have been the ultimate result, that Republican incumbents wound up with districts that were pretty tough for them to lose.

There were two main things. One was the threat once again of an even more devastating reapportionment plan a plan that would have been worse yet for Republicans. Then the desire on the part of the president and Republicans in the House. From their point of view California reapportionment was wonderful because it basically maintained the status

quo when they could have faced the loss of easily seven or eight seats in California, which given the balance in the House could have meant a loss of Republican control so there was a good deal of pressure to accept the deal that was being offered by Michael Berman Howard's brother among the congressional folks a great deal of pressure to accept that

Of course then that relates back to there wasn't going to be any money to referend a reapportionment plan Basically it was something that we wound up going along with a gun at our head and knowing that it could be far worse We could be sitting instead of We could have twelve Republicans in the state senate so the deal was that in exchange for Republican votes that made it referendum proof that is by passing this urgency statute that Republicans didn't get excuse me but didn't get screwed as badly as they would otherwise have done That wasn't giving a whole lot of way since we knew it was all bluff anyway that we couldn't referend

de GRAAF Now very recently sort of in line with the recall of [Gray] Davis and so forth I know the *Times* has editorialized a few times that you ought to once again try out the idea of a commission to set reapportionment for the future I'm just looking ahead to 2010 Do you perceive that there's much enthusiasm right now to rethink reapportionment?

JOHNSON No [Chuckles] You and I have spent quite a while here now talking about reapportionment but I'll get back to the basic point People don't care People don't comprehend it don't understand it Just walk up to the first hundred people you encounter on the street and ask them what about reapportionment Again it becomes really easy to defeat something like that I would think that strong criteria make sense People don't understand why if I live in Fullerton shouldn't I know who my

JOHNSON congressman is? Why should I be represented by one assemblyman and the guy across the street's got another assemblyman? People would like to have some clear understanding of that

One of my solutions to reapportionment is to require nesting that makes it more difficult to protect incumbents. I would have that go further by having the membership of the California legislature not be fixed but be a reflection of the representation in the Congress so that a congressional district and a senate district would be the same. Back when as a young staff person and I first talked about this we had thirty nine congressmen from California and it made sense. But I don't think you could ever persuade voters to give them more politicians even though if you look at the size of California's legislative districts the population in California we are totally out of proportion with every other state in the union including the other large population states. It's kind of ridiculous that a state senator represents over 800 000 people. Strict criteria, not being able to or absolute minimum level of breaking of city boundaries or county boundaries so far as you possibly can include entire cities within a district. The idea of an automatic referendum maybe makes some sense as well, but it would be vulnerable to attack on just the basis of the facts. You don't have to come up with any really legitimate arguments.

I can recall in the '81 reapportionment appearing with [Assemblyman] Richard Alatorre. I was the Republican lead on reapportionment in the assembly. Alatorre was the Democrat lead the chairman of the committee on a number of talk shows and debates around the state on the subject. You know those early Sunday morning half hour deals that nobody watches. And I'd come in with all these arguments about why we needed a fair balanced reapportionment why it was fundamental

to the process of how it affected people's ability to have any say in their government. Richard had only two arguments. One: What we're doing is entirely constitutional. Two: If the Republicans were in control, that's what they'd be doing.¹ And that was it. Those were his only arguments. I'm just left sort of [hanging]. Sometimes it's easier to win the debate if you are a Johnny one note.

de GRAAF: That's an interesting way to put it. Let's move on then to the area of legislative reform. First of all, some perhaps are under the impression that back in '74 when Proposition 9, the Fair Political Practices Act, was passed,¹ this should have put an end to dishonest legislators or problems of unethical practices in the legislature. Clearly, as we look at some of the events that were to break out, in the eighties particularly, it didn't. What do you think were some of the weaknesses, or was that just expecting too much of the FPPC [Fair Political Practices Commission]?

JOHNSON: Well, first I think some major portions of it were thrown out by the courts. I was not in government at the time. I've made this point over the last twenty-five years. Reform is, by its very nature, if you think about it, an ongoing process. There is no magic bullet when you say we passed this. It's like trying to legislate honesty. There are going to be dishonest people. And as I've said many times, I don't know who first said it philosophically, there's no such thing as an escape proof jail. What the mind of one human being can conceive, another human being can conceive a way around it. You set up some reform system, there are always going to be people looking for a way around it.

Look at the example in this recall election we've just gone through with [Lieutenant Governor] Cruz Bustamante. I'm sure if Cruz were sitting

¹ Passed in June 1974

here he'd say well everything I did I was permitted to do No you weren't But that aside I'm going off on a diversion We are required as members of the legislature to take each year an ethics class This was part of the proposal that was put on the ballot by the legislature and I voted for the proposal The real purpose was to create the California Citizens' Compensation Commission to set salaries of legislators because legislators didn't like to be in the position of doing that It's dressed up with a number of reform provisions banning honorarium and saying that a former legislator couldn't work as a lobbyist lobbying legislators for a full year after he or she left office those kind You better get me back where you want me to be I'm sorry

de GRAAF That's fine You're talking about Prop 73 aren't you? In 1988?

JOHNSON No Your question was

de GRAAF Yeah about the FPPC

JOHNSON Yeah and I was sort of giving this long diversion about reform in general and the fact that it has to be an ongoing process I then got into ethics and the point I was going to make is that that ballot measure placed on the ballot by the legislature required us each year to take this ethics class¹ So I dutifully sit in this class every year subjected to a couple of hours of this is what the law says and this is what the regulation says this is what you can do but you can't do this I have never yet once heard one word about what's the ethical thing to do

de GRAAF Oh it was always what the law said you had to do

JOHNSON Thank you Thank you That's exactly correct Never once Set up a hypothetical Someone comes to you with this proposal they say this or that How should you react how should you respond? Never Hasn't a

¹ Proposition 112 passed June 1990

damn thing to do with what is the ethical course of conduct We have in the legislature or had for many many years a joint legislative Ethics Committee Well the joint legislative Ethics Committee never did in its entire history a damn thing It was for the purpose of if somebody had a complaint Well we'll have our legislative Ethics Committee look into it and then nothing would ever be done

So Prop 9 was I assume a well intentioned measure It was weakened somewhat Subsequent measures have attempted to strengthen it but it was far from a be all and end all I will tell you that I believe that over the course of the twenty seven years since its passage that the FPPC has become more and more of a toothless tiger So I've been very careful in this situation with Cruz Bustamante I see this week where they've now filed a lawsuit civil action against him that could result in fines of as much as \$9 million That's showing some intestinal fortitude But over the last several years in particular they've been an absolutely toothless watchdog

de GRAAF That's an interesting evaluation Now one of the more comprehensive efforts to reform the legislature was Prop 24 passed in June of 1984 which aimed to I think one of its major things was to try to curb powers of the speaker wasn't it?

JOHNSON Yeah

de GRAAF Then also replace some of what he did with the Rules Committee and a two thirds vote as well as of course cut legislative spending Now were you the author of that?

JOHNSON I wrote most of it and a group of my colleagues and I then met with Paul Gann and persuaded him to be the official proponent of Prop 24 The intention was to relate the legs of the three legged stool that I've talked

JOHNSON about, the use of taxpayers' money to reward and punish internally to provide perquisites of office to those who go along and deny them to those who would not. The speaker for example had enormous powers in statute to make appointments to various boards and commissions and so on. So yeah those should be subject to a two thirds vote of the Rules Committee it shouldn't be just that unilateral use of that power. Each member of the legislature represents in theory the same number of constituents why shouldn't they have the same resources available to them? And Prop 24 said they are entitled to the same resources.

Prop 24 also contained a 30 percent reduction in the legislature's budget. Now this is the truth and I've never denied it. In fact I talked about it during the campaign for Prop 24. My Democrat colleagues absolutely hated it because it would have meant for them dramatic dramatic reductions. I mean *really* dramatic reductions. And Republicans even with a 30 percent cut in the total size of the pie would have wound up if the remaining 70 percent had been doled out proportionately and each member treated similarly. Republicans would have wound up with more which underscores how unfair the system was and to a large degree remains. Just committees. The legislative leader the speaker or the president pro tem appoints the committees. The majority decides what committees there will be. The majority decides how many members a given committee will have when they'll meet.

Now all those advantages shouldn't the minority party at least be able to pick their own members? And shouldn't the membership of the committee be proportionate to the balance overall within the House? And they have taken for time immemorial here as far back as I know the advantage that they already have by being the majority and artificially

JOHNSON extended that That's one of those legs of the stool We went to Paul Gann and he agreed to sponsor it and was the official proponent We raised the money for it A campaign was run against it not much of a campaign for it And it won

Then we proceeded on the floor of the assembly each time we met to stand up and move adoption of rules consistent with Prop 24 The Democrats led by Willie Brown fussed around They wanted to file a lawsuit [against Prop 24] but they had no standing There was nobody for them to sue Then a colleague Dick Mountjoy Assemblyman Mountjoy grew impatient We I am convinced we were winning We were winning the public relations battle which is something Republicans almost never do [Chuckles] They were in a position of refusing to adopt rules consistent with what the voters of California were telling them Mountjoy grew impatient and went into court with Paul Gann the two of them went in and filed a lawsuit Of course the Democrats were delighted to have the issue in front of a court and have standing and then argued that yes the people could do this but they need a constitutional amendment not a statutory initiative I don't agree with that conclusion but that was the result ¹ So Prop 24 went away And as a consequence the same system continued to operate The Democrat's majority is artificially extended

You hear a lot of and read of a lot of commentary about the inability of the legislature to compromise the polarization of the legislature on the right and the left but none of these pundits seem to get the notion that there's a connection Why in the world did Willie Brown need to

¹ Superior Court in Sacramento presided over by Judge James Ford (*California Journal* January 1985 9)

negotiate with Ross Johnson as the Republican leader if he had the sole power not only to pick his team he got to pick my team

de GRAAF Was the argument raised that requiring a two thirds vote on actions that had formerly been done unilaterally by the speaker or the president pro tem would complicate or render less efficient the operations of the legislature?

JOHNSON As I recall the arguments I remember one television ad that the opponents ran that showed a headstone of Thomas Jefferson or someone and it's shaking and it's you know our founding fathers would turn over in their graves on this our democracy is built on the concept of majority rule I used to get into arguments all the time with Lou Papan because he'd say It's majority rule And I would say There are two great concepts to democracy One certainly is majority rule The other great concept embodied in democracy is protection for the procedural rights of the minority and that's what you people routinely run roughshod over Without protection for the procedural rights of the minority without giving the minority the opportunity to have a fair discussion a fair debate majority rule is nothing more than a mob Then go back to my three [legged] stool It becomes a self perpetuating machine

de GRAAF Isn't this model the one that is widely done? The Democrats after '94 particularly when [Newt] Gingrich was in charge of the House of Representatives it seems to me made similar complaints about what the Republican majority was doing there

JOHNSON Yeah yeah Does that make it right? [Chuckles]

de GRAAF No But it does put Proposition 24 maybe in an even more unusual and pardon the expression revolutionary perspective You were trying really to break not only a unique system in California you were trying to break the old boys' rule

JOHNSON Sure I mean the term gerrymander my goodness it comes from the Massachusetts reapportionment of what? eighteen

de GRAAF Eighteen four or something like that [1812]

JOHNSON Yeah Elbridge Gerry and the district One guy says that looking at the map it looks like a salamander and some WAG says Say rather a gerrymander ' So these are ancient traditions I would say that in California, with people like Willie Brown it's been heightened to the nth degree but no I would not argue that these aren't practices that have been followed by majority parties at the state and federal level for as long as we've been around So in that sense yeah we were suggesting something that was radical but in my mind fundamental to democracy It ought to be *your* vote that decides it ought to be your neighbor's vote that decides And there ought to be free and fair and open debate For the most part that doesn't happen at all Legislators fire volleys playing to the media trying to get their point You know it's a gotcha You do what you call drills on votes offer an amendment knowing full well it's not going to pass and so on I argue that if the fundamental process were more fair there wouldn't be a need or perceived need to do that

de GRAAF Now once the courts had set that aside was anything like that ever seriously proposed again? I believe in '89 there was some sort of a constitutional amendment along those lines offered? I don't know whatever happened to it but

JOHNSON No I don't remember that I mentioned that I had incorporated much of that language into a reapportionment proposal that I believed would pass

de GRAAF Let's move on then to another leg of your stool and that would be the reform of campaign financing In 1984 you proposed Proposition 40 [11/84] Had you tried that first as a bill?

JOHNSON Yeah I can't recall at this point how many bills I have introduced I've introduced a number of bills I can remember being in the hearing room in the assembly and having a bill of mine defeated by the committee but I leaned down to Bob Stern and said 'Think initiative I submitted an initiative took the proceeds of the sale of my house to finance it and I think I caught the whole political establishment by utter surprise I mean they were aware that I had this thing in circulation but when I submitted the signatures and it was actually on the ballot I think I stunned a lot of people with that

de GRAAF Did you have any other legislators who went along with you on this initially?

JOHNSON Oh no no [Chuckles] Some of my Republican colleagues viewed my interest in the subject of campaign finance as an eccentricity of mine and they were friends and we got along well It was just kind of like the aunt that's not quite right [laughter] that you tolerate because everybody loves her but she's just not quite right I have joked about this and say that I was responsible for putting together the greatest coalition in the history of the state of California I may have mentioned this last time I had the Chamber of Commerce and the AF of L CIO I mean virtually every organization the Republican party of California the Democrat party everybody opposed Prop 40 Everybody opposed it

It was endorsed by the State Grange Actually I met with Walt[er] Zelman who was the Executive Director of Common Cause a number of times around the state I went around and met with editorial boards Walt Zelman and I don't know what Walt's attitude about this would be today but he became I don't think intentionally but the cat's paw for the opponents of this He had some credibility and his argument was If I

thought the choice was between this or the present system forever I'd be for this but I think we can do better

Of course he was for public financing of campaigns which I remain absolutely convinced public financing of campaigns would not work It could not provide public funds to candidates for the assembly or the senate serious candidates that would not also be available to extremist candidates non serious candidates candidates with entirely different agendas not really even seeking the office For example say they had public financing for the assembly and my real intent is to get elected next year to the Fullerton city council I raise some money here I get a huge batch from the state and I run for the assembly But you can't say I've got to mention five times vote for me for assembly You can't tell me I've got to campaign in the entire district If I want to send out mail repeatedly just in Fullerton and say Ross Johnson's a good guy who wants to fight for you to build up my name identification

Anyway again I've gone into far too much detail Walt wanted public financing so he opposed Prop 40 In my heart I believed Prop 40 was right I worked on that legislatively and then honing the concepts I believe that it to this day is the most radical campaign finance proposal that's ever been put before the voters It was certainly was the most radical one to be put before California voters far more than Prop 9 I remember sitting in a Sacramento watering hole one evening and having drinks with a couple of colleagues including Herschel Rosenthal Democrat assemblyman from

de GRAAF Beverly Hills wasn't it?

JOHNSON Van Nuys I think Hollywood I'm just not quite sure now But Hersch listened to me very politely and then at the end says Well it's all very

JOHNSON interesting but I could not support that ' I said "Tell me why Hersch Why?" He said Well because what you would have is wealthy candidates with an advantage] ' So I said okay I went away and for the next day and for the next several days thought about that Then I came up with what I thought was the most creative part of Proposition 40 I said okay we don't want the result to be that wealthy candidates can buy their way into office if they have an unfair advantage What I'll do is propose a very limited use of public money Now bear in mind I was opposed to public financing but I said 'If a candidate intends to use one hundred thousand dollars of his or her own money just like everybody else they have to put it in the same account and they gotta notify everybody that they're putting it in I argued "Nobody will ever do it I mean why in the world would you spend \$100 000 of your own money running a campaign against three other candidates when you know the result of your spending your \$100 000 would be that all three of them would get \$100 000 plus whatever they've already got I thought it was a very creative way to ensure that wealthy people wouldn't be able to have an unfair advantage

That then was the Achilles' heel that all these opponents used Their ads said It makes no sense to open the deepest pocket of all the taxpayers I'm left with no money to campaign for it at all I've spent every nickel I could scrape together getting it on the ballot I campaigned up and down the state I would make this case to editorial writers and so on I had a lot of them teetering Well that makes sense Then Walt Zelman would come along and say 'We don't like it ' We lost so terribly I'm not sure we ever could have won If Walt and Common Cause hadn't

JOHNSON been so focused on their belief in complete public financing maybe the result would have been different

Can I just mention something else here? This is inside politics. Go back and read the ballot arguments. In this whole process people think we've got this fair system one opponent gets his say and the other gets his. Who picks the arguments for and against? Well it's the secretary of state in that case March Fong Eu. There were four sets of arguments submitted against Proposition 40. I got to submit a set of arguments in favor and then there were four. Now the secretary of state's policy in previous elections had been in order first choice for signing arguments was an organization with a history of involvement in the issue. Two was an individual with a history of involvement in the issue. Third was an organization without a history of involvement and finally an individual with no history of involvement in the issue.

The day the secretary of state announces which arguments have been selected like at noon here are the arguments for all of these ballot measures except Prop 40 and that was delayed for four or five hours before they announced it. Common Cause had submitted arguments against it. Clearly Common Cause arguments by their internal criteria should have been the set of arguments selected because they were an organization with a history of involvement in the issue. The Libertarian party submitted argument against it. Now that was an organization but with no history of involvement in the issue.

Now Walt Zelman's argument and I got to see all the arguments that were submitted in opposition was that this is not public financing of campaigns and what we need is public financing of campaigns so you should reject this. That argument didn't make it into the pamphlet. Instead

the argument that the secretary of state selected criticized it essentially because this is public financing of campaigns This is going to mean your tax dollars are used I again without two cents to rub together was left to just kind of sputter and say But that isn't true

Sorry You kind of raised a sore subject for me

de GRAAF That's one of the things that we try to do in some of these interviews Now as I understand it one of the major provisions of Prop 40 would have been a ban on corporate and union contributions

JOHNSON Absolutely

de GRAAF I've heard the argument that this is something like banning eighteen wheel trucks and mini cars that the two different constituencies didn't contribute equally to the political process

JOHNSON Well I reject that categorically A democracy presumes that elected officials represent people Whether you're talking about a labor union or a corporation or a bank these are legal fictions created and sanctioned by the government The federal government has banned contributions from corporations and federal banks since 1911 so that wasn't a particularly radical idea The notion that for a corporation's shareholders to participate in the political process it has to involve the corporation's funds and decisions made by the executives of that corporation or the board of that corporation I reject Similarly I reject the notion that for rank and file members of a labor union to be represented in the process or heard in the process that that fund has to come from forced dues that they pay and decisions made by the leadership of the union

Prop 40 said we're going to represent people and we're going to limit contributions to the political process to people in two ways one either as an individual directly or two as an individual acting in concert

with other individuals I'd looked at all the string of court cases on the subject of campaign finance and believed and still believe that I had the ability to say that if two or more individuals are going to band together for purposes of making political contributions I can require the same kind of limitations that I was proposing on contributions directly to a candidate. Clearly under the Constitution, first amendment if you want to write a check to yourself you want to write a check for me nobody can stop you. You have a right to do that. Now to avoid the possibility or the appearance of undue influence we can limit the size of the check that you give to me so that there's not the possibility that you're going to unduly influence me. Can't limit what you give to yourself. You can limit similarly I believe and that's what I tried to do with Prop 40 what goes into that political action committee which you'd be forced to create.

You're right. It was a radical proposal in some senses. But that was certainly an argument that was raised. Well you're going. The hell I was. I wanted limits. Prop 40 also had a declaration of freewill. If you made a contribution of more than \$100 to a candidate for office you had to sign this little [statement] with your name and your profession. And then I have made this contribution of my own freewill. I have received nothing of value nor the promise of anything of value in exchange for this contribution.

Anyway it went down. But if I were king and could do it by waving a wand I'd do it today.

[End Tape 5 Side B]

[Begin Tape 6 Side A]

de GRAAF One more question on Prop 40 You had a 'Good Government Fund" set up What exactly was that?

JOHNSON That was the public funding that would have been available for the candidate opposed by a wealthy candidate using his or her own money I argued we'd never have to spend any of it and I still believe that

de GRAAF Now campaign refinance reform appears four years later in the form of Proposition 73, which again would have limited contributions but had a couple of interesting new features I don't think these were in 40 One was a ban on transferring funds from one candidate to another

JOHNSON It's been awhile but I think there was an inter candidate transfer ban in Prop 40 as well I always regarded as one of the major problems in campaign finance the ability of candidates to transfer funds I felt that such transfers were a major impetus to increased political fundraising As an example in 1980 in the [Howard] Berman-[Leo] McCarthy battle [for speaker] I think we may have talked about this earlier about Jack Fenton All right What happened was Fenton was a McCarthy supporter There were a number of such races around the state that year The primary opponent in his case was Marty Martinez Fenton was a sixteen year veteran of the assembly and with Howard Berman's money his faction's money he [Martinez] came along in the last week to ten days of that campaign and won

I believe it was that same year that John Doolittle who was a staffer of Bill [H L] Richardson Republican state senator defeated Al Rodda, who was a longtime Democrat senator some sort of a fixture in Sacramento area of politics And he lost with a huge transfer of funds from Richardson controlled committees The lesson was not lost on other members of the legislature and that increased the arms race

Legislators raised obscene amounts of money for two reasons one out of the fear of large transfers being directed against them at the last moment and two for the ability to maintain their influence and credibility within the process by themselves making last minute transfers So you go out and raise hundreds of thousands of dollars more than you reasonably should need for your reelection effort on the off chance that somebody's going to try to catch you with your pants down and then on the off chance that you yourself can catch somebody with *his* pants down I'm not going to say his or her pants [Laughter]

de GRAAF Hadn't you said that you felt one of the unique things of you and some of your 1978 colleagues was your willingness to go out and do such transfers for others?

JOHNSON Absolutely Absolutely And I don't find that inconsistent It's like if I'm playing on the basketball team and I think the rules ought to be changed that doesn't change what the rules are today Particularly as a member of a minority party as a Republican in the California legislature suffering from all of the already disadvantages I already suffer from why in the world I should say, well you know on top of all those disadvantages I'm not going to raise money I'm going to let you raise it all I'm not even going to try and keep up It makes no sense from my point of view

There was a Democrat senator whose name escapes me at the moment who was defeated in 1978 the election in which I was elected who announced publicly that he would not at that time accept any contributions over Arlen Gregorio [senator in 1970s] I believe was his name would not accept any contribution over \$500 Well he lost We all ought to be playing under the same rules I don't think there's an

inconsistency there. I believe very strongly in all of these proposals that I have proposed in the area of campaign finance.

de GRAAF: Now, it also banned newsletters at taxpayer expense. How did that fit into campaign finance reform, in your estimation?

JOHNSON: Okay. It goes back to one of my legs of the stool. I guess maybe moving in the area of foolish consistency, but I don't think so. Go back to the stool: the use of taxpayers' money to reward and punish and to campaign. Send out mailers—Larry de Graaf's Capitol Report. Send it out to every registered voter in your district saying we're working on this: we're working on cutting taxes, we're working on making the government more responsible to the needs of the average citizen, whatever in the hell you want. What it's really about is reinforcing your name identification with your voters.

Opponents of the measure said this is denying us the ability to communicate with our constituency, which is an effort to—And I say nonsense. When have you ever heard of any elected official sending out a mailing to his constituents and saying, 'I just screwed up big time. I cast the dumbest vote of my political career. This is going to cause problems for a generation to come.' It's all self-congratulatory pabulum, number one. Number two: if it's sincerely an effort to communicate, when has there ever been a politician using taxpayers' money to say, 'I'll make provision for presentation of opposing points of view?' It's one-sided; it's politicking; it's campaigning with the use of taxpayers' money, so I set about to eliminate that ability.

de GRAAF: Again, though, until something like this passed or passes, did you send out newsletters?

JOHNSON Yes absolutely Absolutely After the passage for a period from June of 1988 until November of 1988 I was at every meeting of the Fair Political Practices Commissions and all these Have you ever heard of the California Political Lawyers Association?

de GRAAF No

JOHNSON Neither had I before I passed Proposition 73 This is a bipartisan group of lawyers whose essential full time practice is political law representing candidates and office holders For that entire period of time I was holding back the commission from creating loopholes through the adoption of regulations

de GRAAF This was the FPPC

JOHNSON Yes Fair Political Practices Commission from adopting regulations that created loopholes The plain reading of Proposition 73 would prohibit those kinds of mailings entirely Now they said 'Well my goodness we couldn't mail out a community college class catalog or we couldn't mail out the tax bill " or whatever And I said that's nonsense utter nonsense Sure you can mail out the Parks and Rec[reation]s schedule You just don't need a special message from Mayor Smith or you don't need a special message from the president of the community college board pumping up his name identification

de GRAAF Would this have raised the possibility that the FPPC would have to review a whole bunch of newsletters to say they were or were not political

JOHNSON No no no no no no It was real simple Prop 73 you could do any of that you just couldn't have a politician's name in it One of the examples was a woman who was on I believe it was the Santa Clara Board of Supervisors at the time She said I want to hold this community meeting to discuss air pollution issues " or something some environmental issue I

believe so it's important that I be able to do this to communicate with my constituents. And I said "Fine. Have you ever heard the term coffee invitation, coffee regret?"

de GRAAF: No.

JOHNSON: Okay. It's a common technique. It's not used as much now, but it was very, very common back when I was first elected and then through the decade. You send out a mailing, a computerized mailing to the voters, and you say "I'm going to be..." And I did this in my campaign. I had my theme in my campaign. I sent out this mailing inviting them to a coffee. I invited tens of thousands of voters for coffee. Did I think tens of thousands of voters were going to come? No. Seven people came to one, maybe ten to another, and then the last one I actually had about forty-five people who showed up. But there were thousands and thousands and thousands who didn't.

What you do is you keep a pad and have people sign in, because you've already got the second letter already generated, all ready to go, a computer letter saying "I'm sorry you weren't able to join us." The point is that both mailings are simply to hammer whatever your theme was, or is, and secondly, to build that name identification. The reason for taking the roll is so you can go through and pick out of the mailing before you drop it those people, because you don't want them to get a letter saying "sorry you couldn't join us." But you're sending out a hundred thousand of them.

Same thing. That supervisor wasn't sending out that mailing, or wasn't proposing to send out that mailing to tens of thousands of voters in the belief that tens of thousands of voters were going to come to her meeting. She was doing it so those tens of thousands of voters who got the mailing would remember who she is and that she's their supervisor. I said

If you want to send that out I have no objection at all but why does it have to have *your* name on it? Why can't it just be from the county and say this is the meeting this is the subject, and members of the board of supervisors will be present Why does the tax bill have to have the tax collector's name on the envelope? Why? Anyway that's what I was driving at

The first commission meeting which I was unable to attend because I was putting together the votes to be elected the Republican leader of the assembly they blew a hole in regulations that they adopted and came up with well, you can have your name on a letterhead you can have one photo but you can't use first person and this and that Which was nothing like what I had intended And by the way I'm pressing the Fair Political Practices Commission to this day I wrote to them It's my understanding that they've now put this on the agenda for potential re looking at this at their regulations on that subject because of the abuses that I've been able to demonstrate from legislators And I can show you pieces mailed out in some cases hundreds of thousands of pieces of mail going out at taxpayers expense from incumbent legislators that's not even very [informative] I mean it's *very* thinly disguised campaigning very slick mailings and so on And that you would have to very carefully look at and say well no it's not actually first person It's a great pleasure to be involved in blah blah blah but it's not *I'm* pleased to be involved Anyway I'm going on too much I'm sorry

de GRAAF Now one other issue that '73 raised was and this I believe had also been in '40 you could not use campaign funds for more than one office

JOHNSON Right

de GRAAF What was your rationale for that?

JOHNSON Well it's interesting I've mentioned it a couple of times Mr [Cruz] Bustamante was coming back to bite Mr Bustamante because one of 73's provisions was that you had to establish a single bank account and you had to declare the office for which you were raising the funds and so on My rationale I had a number of them but one was that you as a potential contributor have a right to know what is it that I intend to do with this Let's say that I'm a member of the assembly and you think well Johnson's not that bad Does that mean that you want to support some candidate at the other end of the state who I transfer the money to? Not necessarily Does that mean that if I decide to run against the state senator from your area, who you like a lot more than you like me that I ought to be able to use that money? So you've given money to the state senator and you've given money to me your money's being spent against your money I think you have a right to know when you make a contribution to Ross Johnson for the assembly or the senate or for governor that that's what I'm going to use it for I'm not going to give it to somebody else, or I'm not going to apply it to another campaign against a candidate that you might support more

de GRAAF I understand that the Democrats challenged this in court and one real controversy was that they hired a fellow by the name of Joe Remcho I believe and paid him out of state funds to argue the case against 73?

JOHNSON Yes That's right Which was typical Remcho had been the attorney on the Prop 24 matter He was killed in a helicopter crash He was a private pilot and had an experimental helicopter He also had a corporate jet that was paid for by all the work that he did for the Democrats in the legislature I am an admitted member of the California State Bar I did go to law school and I did get through in two and a half years and I passed

the bar but by the time I passed the bar I was already running for office and I've never practiced law. The one case therefore I've ever tried in my life was the Prop 73 case in federal court and I was going against Joe Remcho. [Senator] Quentin Kopp and I argued on the one side and Remcho was on the other.

de GRAAF: That's right. On 73 you did have some legislative support, didn't you? Kopp and

JOHNSON: And [Senator] Joe [Joseph] Montoya, remarkably enough, much to my embarrassment. And let me just tell you I drafted Proposition 73. I'd had conversations with Quentin Kopp, who was an independent from San Francisco, very much of a character and had I thought persuaded him to co-author this matter. Well, his seat mate at that time. On the floor of both the assembly and the senate, the desks are paired. The fellow sitting next to him was Joe Montoya. He got into a conversation with Montoya about it and Montoya was on the outs with the Democratic leadership in the senate at that time. Kopp came back to me all excited. He had agreed that he would co-author this and I was pleased. Then he came back and said Joe Montoya is willing to co-sponsor this with us, so therefore we'd have a Republican, an independent and a Democrat. I was less than enthusiastic about the idea of Joe but it was kind of hard to resist Quentin on it. That's how it came to be. Then later he [Montoya] went to a federal prison.

I'll have some comments if you'd like on that whole issue of the folks who did. But of those who went to prison, certainly I suspect the one most deserving was Joe. No, [Senator] Alan Robbins was probably the most deserving but Joe was right in there.

de GRAAF Okay Now campaign finance reform comes up at least one more time in '96 when Proposition 208 is brought up Was that meant to replace 73 or augment it?

JOHNSON No By that time If I could I'd like to just comment a little more about Prop 73 Prop 73 passed in June of '88 In early '89 there had been a number of lawsuits filed against it There was a lawsuit filed against the mass mailing provisions which in the end the plaintiffs lost And there were lawsuits filed in federal court that we've alluded to Judge [Lawrence] Karlton [federal district court] eventually threw out most of Proposition 73 on one narrow narrow hook which was that it was based on fiscal year The argument was that basing it on fiscal year would give an advantage to incumbents since incumbents tend to lay their plans earlier to run for office and if it were based on an election cycle then that would do away with that perceived advantage I spent a lot of time thinking about it You can't design a perfect system

I filed action with the state supreme court urging them to use their authority I think that they could have made that change judicially to do that But that's what he threw it out on The point that I would like to make is it [Prop 73] was in effect in 1989 and 1990 and the result of that was that contributions to all legislators were reduced by 40 percent and expenditures by 50 percent It was working

de GRAAF That's interesting

JOHNSON Anyway Judge Karlton had thrown most of that out There was intervening there You'll recall that on the same ballot with Prop 73 was Prop 68 which was a competing proposal I want to emphasize that at the time I began the circulation of what became Proposition 73 what became Proposition 68 had been denied a place on the ballot two years earlier It

had been determined that they had submitted insufficient signatures. Then the Common Cause folks went in various counties doing their own analysis and so on which was questionable. I did not introduce Prop 73 as competition to what became Proposition 68. At the time I was doing that they had already been denied a place on the ballot on the basis of insufficient signatures. Prop 73 took effect because it got more votes than Proposition 68 which also passed. Then after Karlton ruled major portions of Well he just basically threw out almost all of Prop 73. The mass mailing provisions he didn't throw out and the single bank account is still on. But on the basis of that fiscal year impact most of it was thrown out. The provisions with respect to special elections still apply.

Then the proponents of 68 tried to get 68 accepted. That was decided on election day in June. They got fewer votes so that was a nullity from that point forward. Then came subsequently as you say Proposition 208. There were two propositions as I recall on the ballot that year as well.¹ 208 was very strict contribution limits.

de GRAAF Three years later an assemblyman or woman I forget which it was but I think it was Bowen put forth a partial public campaign fund but I don't have any other.

JOHNSON There definitely was an initiative and if I'm remembering correctly 208 I'm confusing 208 and 112. There was another proposal on that same ballot that didn't pass that had even stricter. I mean it was like \$100 contribution. If I remember correctly the basic limit in 208 was \$250 but if you agreed to accept contribution limits that could be increased to \$500. If you want I can go into why I thought all that was a terrible idea.

¹ The other was Proposition 112 CAL PIRG Limit which was narrowly defeated

de GRAAF Yeah I would because contribution limits are still being bandied around and yet I'm not sure how realistic they are

JOHNSON Okay It goes back to the original decision of the supreme court that validated contribution limits The supreme court said you can limit contributions to avoid the possibility or the appearance of undue influence over a candidate and office holder I mean if you walk out of here today or if you do a survey and you walk out and ask the average person or do a scientific survey on it and ask them what should be done about campaign finance they'll say to just limit the amount of money for the candidate to spend I can guarantee it It'll be off the chart Just limit the amount Well the only problem with that is the Constitution of the United States You can't do that You can't do that Common Cause and the supporters of that realize that you can't do that but they came up with the theory that you can have a quid pro quo You're voluntarily accepting We're not imposing a contribution limit you're voluntarily accepting it in exchange for this public money

Well I argued that that wasn't voluntary at all It is offering you a substantial amount of resources for your campaign and avoiding the implication that you weren't willing to accept a contribution limit I argued that it actually would have the effect of increasing the influence of special interest contributors or contributors in general The matching formula was such that a contributor would have a multiplier effect In other words corporation XYZ gives you money and that's matched with these public funds so they in effect have been able to give you more Plus it's going to mean more to you because as a percentage of the total amount of money you can raise and spend it's greater So I just thought it was wrong

headed. They were thrown out by the same federal court judge because he maintained that the contribution limits were too low. So that left us

de GRAAF with just pieces of 73. Okay. Then there was a Proposition 34 in 2000 which was a limit on contributions, but the argument was raised that it did nothing for so-called independent expenditure committees.

JOHNSON That's correct.

de GRAAF What exactly are those?

JOHNSON Going back to that earlier we talked about. And you're right, Prop 34 didn't do anything about that, and it's a great weakness. You have the right to band together with others and support whoever you will, the basic underlying theory of the supreme court being the undue influence over a candidate or office holder. So the theory would go, Well, yeah, but he doesn't know anything about this, so how are you influencing him? You're not giving it to him. Well, so what? Unless you're going to concede to the world that you're electing an idiot, he's going to know full well the impact that your effort had on his campaign. I supported what became Proposition 34. It was a bill in the legislature. It was put on the ballot. I was on the conference committee. I signed the conference committee report. I was far from satisfied with the proposal, but I felt it was a step in the right direction.

I'm not recalling. There was another matter. Was it 208? Oh, I think maybe it was.

de GRAAF For clarification, did 34 to some extent resurrect the basic ban that 73 had initially put in, or tried to?

JOHNSON No. A lot of the features of Prop 73 were not there, but it did

[End Tape 6 Side A]

[Begin Tape 6 Side B]

JOHNSON But it did have limits on contributions and I viewed it as a step in the right direction. More importantly I thought everything in it was in fact constitutional. You'll recall that in Prop 73 one of the provisions that I had was a complete ban on inter candidate transfers. In his opinion in the Prop 73 case Judge Karlton said that that implicated a candidate and office holder's First Amendment rights and that a complete ban was unconstitutional therefore. So Prop 34 limited transfers to the same amount as anybody else \$3 000. So it was taking into account one of Judge Karlton's objections to Prop 73.

I should say we had appealed Judge Karlton's decision to the Ninth Circuit [Court of Appeals] and a three judge panel on a two to one vote upheld his decision which we then appealed to the United States Supreme Court, which declined to take the case. Justice [Charles] Wiggins who was a former congressman from Orange County was one of the three on that appeals court panel and wrote a stinging dissent defending Proposition 73 for what it's worth.

[Proposition] 34 was very much of a compromise and as I said earlier if I were king and had the ability to wave a wand and do it, I'd would do Prop 40 today. If my wand wasn't as strong I'd do Prop 73 today and fix those two features that allow transfers to the same amount that individual contributors could give and I would change to an election cycle from the fiscal year pattern.

de GRAAF With the exception you mentioned of that short interlude after 73 was passed especially the election of 1990 you don't feel that campaign finance reform has been futile when you look at the steady escalation of costs and contributions except for 1990?

- JOHNSON Yeah I would argue that the only time we had truly meaningful reform in place was that period in '89 and '90 That may seem immodest since it was my proposal
- de GRAAF It's also one small exception to a generally upward trend
- JOHNSON Oh absolutely Absolutely It's a constant escalation And it's an insult to everyone's intelligence It's an insult to everyone's intelligence to presume that it takes that kind of money to run a campaign The federal elections have contribution limits on funding Look at United States Senate races in California as compared to gubernatorial races You're communicating with exactly the same constituents And candidates for the United States Senate typically spend about half of what candidates for governor spend It's overkill We've seen Gray Davis obsessed with fundraising so that everything is dominated by that perceived need to raise more money
- de GRAAF But would you also agree with Jesse Unruh's comment that money is still the mother's milk of politics?
- JOHNSON Oh sure Sure I would Although I would say that's only one of the teats because the money is the ability to use the power of government to reward and punish and publicize and it's the drawing of the district lines It's all of these things But absolutely the candidate with the most money doesn't always win but almost always
- de GRAAF Almost always yeah Okay Anything else you'd like to say about campaign finance reform?
- JOHNSON Well what may be of interest this whole business about Mr [Cruz] Bustamante and the lawsuit that I filed against him Proposition 34 prohibited the raising of funds by campaign committees that predated the effective date of the proposition Frankly the intent I believe of the folks sitting on the conference committee that drafted it was that people would

be able to raise money from that point forward into such a committee under the limits enacted by Prop 34. The Fair Political Practices Commission staff initially recommended to the commission that pre-existing committees be prevented from accepting any contributions at all and that's certainly the plain reading of the language is a correct interpretation. The commission went 180 and basically said if you had a preexisting committee you could raise money in unlimited amounts. Actually on the basis of the early staff recommendation a bill was introduced in the legislature by John Burton. I was a co-author of that bill. [Senator] Bruce McPherson was a co-author of the bill to make clear okay if you had a preexisting committee you ought to be able to raise money in the same amounts up to \$3,000 that the candidate could but no more.

Then the FPPC commissioners made *their* regulation and suddenly all of my colleagues in the legislature lost any interest in limiting it to the Proposition 34 ceiling. And that provision disappeared from the bill. Now the commission is poised next week. It's on their agenda for Wednesday of next week to do what their staff had recommended in the first place. And this is all a result of Bustamante pushing the envelope as far as he did. Others, Burton, legislative leaders in both parties have raised millions and millions of dollars into old committees and then transferred them up to the limit to candidates but more importantly, millions of dollars into party organizations into the state Democrat party state Republican party.

de GRAAF: So called soft money right?

JOHNSON: Well yes. Yeah. But if the fundamental purpose of campaign finance laws is to prevent the possibility or appearance of undue influence over a candidate or office holder how can John Burton raising \$10 million in

increments of \$200 000 contributions how can that not be a problem? Particularly when the new schnook running for the assembly can't accept a contribution more than there's an escalated clause of \$3 200 now It's unfair

But Bustamante was the only one to take it one step further and attempt to use it in a future campaign of his own for another office Attorney General Bill Lockyer and Phil Angelides the state treasurer have raised into preexisting committees millions and millions of dollars which they transferred before the effective date into committees that they created for governor in now three years But they did that before the effective date for statewide office holders Bustamante didn't have any money He announced his campaign for governor and then went out and raised millions of dollars into his old committee transferred it and so on That's what provoked me to file a lawsuit against him and I prevailed in the superior court and got an injunction for him to return the money Now at that point in time he claimed he'd already spent all the money Anyway that action's still going on but this week the Fair Political Practices Commission filed a civil suit alleging that he was in effect involved in money laundering raising money for his campaign for governor but funneling it through this preexisting committee

de GRAAF All right Let's go on to ethics issues You said you were very interested in talking about the FBI 'Sting' in the 1980s and early 90s First of all were you at all involved?

JOHNSON Only to the extent that I knew the people

de GRAAF One thing that has fascinated me is How did the FBI agents select the particular legislators that they chose to pull the sting on? Do you have any idea?

JOHNSON Yeah I know exactly I know exactly There was a gentleman by the name of [John] Shahabian who was a Democrat staffer The history of it as I understood is that somebody from West Sacramento with no indication why just went to the FBI and said "The word is that you can buy stuff over at the capitol " So then they set up this sting operation, and at that point I would characterize it as entirely a fishing expedition Just run it up the flagpole or throw it into the water and see who bites

Also I'd like to say that the entire way in which it was handled was I think totally unfair If you want to test if my vote's for sale try and get me to vote for something I don't believe in

de GRAAF Instead they made it a business corporation seeking a favor

JOHNSON It wasn't even seeking [favors] It was to promote jobs It was the kind of thing as represented all a big fake I never met these people I don't know anything about them never talked to them never talked to anybody about them know nothing about it The bill comes in front of me it seems like a reasonable bill I vote for it That's unfair I mean how can you conclude

If I had in fact accepted some contribution or some honorarium then you could argue that it was a quid pro quo even though I knew nothing about it

de GRAAF Didn't agents posing as representatives of the shrimp company offer to give Montoya and others x amount of dollars in their campaign funds?

JOHNSON You're not going to like some of these answers California law at the time allowed and it was common practice for legislators to accept honorariums for giving a speech In Montoya's case they gave him cash It goes back to this Shahabian guy who had sicced them onto him They caught Shahabian had him wearing a wire and then he talked to a Republican staff member by the name of Karen Watson Suddenly it's well you

ought to talk to Pat[rick] Nolan you ought to talk to [Assemblyman] Frank Hill [later senator when convicted] And these rocket scientists with the FBI it never occurred to them why would a Democrat staffer have a relationship with Republican legislators? He would quite naturally and quite obviously have a relationship with Democrat legislators It was such an obvious Let's go over here

Frank Hill was and is probably one of my best friends in the world I will go to my grave absolutely believing he was entirely innocent I would defy members who sat on the jury who found him guilty on three counts when was the crime? Where was the point in time when he committed a crime? And I don't believe that he did The FBI spent how much? Who knows? Make a parallel

de GRAAF I know it went on for years

JOHNSON Yeah They took right up to the five year statute of limitations before they filed charges against Frank and Pat Nolan I know these guys and I work with them and they're not crooks They're not crooks They are not And they would not sell their vote I don't know how much detail you want me to go into about this but Alan Robbins was in my judgment a crook I believe that Joe Montoya I think he was a crook I went in to lobby him about a bill once Joe of mine It was coming up in his committee I was just making the good government arguments why I think this is the right thing to do the elimination of the [State] Board of Fabric Care And he said, Oh you know that Fabric Care Institute they just gave me a thousand dollar honorarium so I'd feel like a real asshole if I voted against them on this " I mean in the time I've been there that's about as blatant as anyone's ever been with me in terms of admitting what his motivation was Frank Hill Pat Nolan me overwhelming I mean on a bipartisan basis

This was not a controversial bill. It just was not a controversial bill.

Maybe it would be better if you would ask me questions.

de GRAAF: Okay. One thing I've heard is that. Well, I raised the question myself with Calderon. Why did the Federal Bureau of Investigation investigate the possible conflict of interest in the state government? Did anybody at the time raise the question that this was an encroachment on state's rights?

JOHNSON: No. No. I don't think anybody ever did that. No one would argue that they didn't have the jurisdiction. As to the reasoning, I think it was an ambitious U.S. Attorney in Sacramento, and you had a couple of very ambitious FBI agents. Two of them were a husband and wife couple that pushed this thing. Some of this was that the wife, an agent in the same field office, had kind of gotten out on a limb, and then her husband was determined to vindicate not only himself but his wife. Again, it took five years before they [filed charges]. I have direct personal knowledge of Frank and his defense, and I know that prior to the matter going to trial that the federal government kept negotiating with itself in terms of the potential sentence. And each time he said, 'No, I'm not guilty, and I'm not going to say that I am.' Their final offer the week before they went to trial was for thirteen months, and he said, 'No, by God.' Years later one juror said, 'The jury assumed that you'd receive a fine to pay and would never have voted you guilty if we had imagined that you were going to go to prison.'

Oh, and one final point on that. I was with Frank and Karen Watson before the meeting with what turned out to be an undercover FBI agent who was videotaped at the Hyatt Hotel in Sacramento. There was a championship fight that night. It was on closed circuit TV at the Convention Center, which is next door to the Hyatt Hotel. We were at a bar a few blocks away having a drink. I said, 'Maybe I can get some

tickets to the closed circuit for the fight tonight. Would you like to go if I can?" He said. Of course. Yeah, sure, but I have to go and give a speech to a group of businessmen. Clearly, he went in the belief he was going to give a speech to a group of businessmen at the Hyatt Hotel. He got there and all this food spread out and all of a sudden one gentleman, supposedly from this business in Atlanta, Georgia [appears]. Frank asks, "Where is everybody else?" Well, their flight got delayed. If you watch the tape from the thing, you'll see this guy again and again and again. I understand you like to hunt. He says, "Oh, we go huntin' from the helicopter, shoot from the helicopter, clearly trying to drag Frank into admissions of wrongdoing. I'm a crooked bastard and I assume you're a crooked bastard."

I mean, you know, obviously a lot more subtle than that.

Anyway, I did, in fact, get the tickets to the fight, so left them with the concierge at the hotel, who took them up to the room. On television, KTLA, the day the verdict was handed out, because this whole thing's being videotaped. The guys got this hidden camera. Of course, it's black and white, it's grainy, it's shot at a low angle. Where do you get black and white for a video camera today? It was designed to make it look just as shady and awful as possible. The concierge brings an envelope with the tickets to the fight. Then that's handed to Frank, and KTLA ran that portion of the footage saying, "Here's Frank Hill taking his bribe." The point being, how easy it is to create an impression that you're doing something terrible.

de GRAAF: That's very interesting. That's a piece of information now that will throw new light on this whole aspect of the FBI "Sting." Now, this whole sting did happen to coincide with a series of other scandals. [House of Representatives] Speaker Jim Wright and his book, the S&L [savings and

loan] scandals and so forth. Do you think this was coincidental or was there a particular rash of unethical behavior in the late 1980s?

JOHNSON I don't know that there was more or less unethical behavior or corruption. A few years ago the whole Monica Lewinski thing and there became a lot of criticism of Kenneth Starr and the special prosecutor's office and the huge amounts of money that they were spending there and so on. At one point Starr said to the press, "We're employing standard law enforcement techniques." Well, that was the truest thing that was said in that whole investigation. The only difference between that investigation and an investigation like this in Sacramento was the public will never know what the FBI and the Justice Department spent building that case and prosecuting that case. They'll never know. But I can guarantee you that it was in the millions and millions of dollars. Again, it makes for nice career building headlines and makes for a nice feather in your cap for a resume.

de GRAAF Was it this whole sting and the ethics issue it raised that led to that ethics classroom law that you were talking about earlier?

JOHNSON No. That was one of the bits of candy that was put in the proposal for the voters to create that Citizens Compensation Commission.

de GRAAF Oh, I see. A different thing, okay.

JOHNSON If one assumes that that was all, as I do not, then some of the people were clearly crooks. I think some of the people got caught up in it. I think the biggest crooks of all were never touched. I mean, Willie Brown got \$5,000 from that company. Why wasn't that an issue? Gwen[dolyn] Moore got similar contributions. Gwen Moore and Willie Brown got more money than Nolan and Hill put together, and yet these are bad guys and these escaped at least. To the extent that there was validity to this, obviously, the

ethics training and the joint legislative Ethics Committee and so on didn't have a damn bit of effectiveness

de GRAAF Okay On legislative reform just a few more things We've pretty much gone over term limits The only thing I would add for historical clarification in June of '98 there was a Proposition 225 to put California on the list of states requesting a constitutional convention for congressional term limits I know your position was pretty skeptical on state term limits Were you thinking the same on congressional?

JOHNSON Yeah even more so If we were to enact term limits in California Of course this was saying the feds do it One of my objections had been that we suffer already from long term congressmen in powerful positions from around the country But I remain convinced that term limits is just a wrongheaded reform They're looking in many instances at the same kind of problems that I see but they're coming up with what I think is the wrong solution Just as I look at Common Cause They see the corrupting influence of money in the system but I don't buy their solution

de GRAAF Obviously that whole effort set up the convention on congressional term limits nothing has come of it has it?

JOHNSON No And there is the fear too you don't want to have a constitutional convention because once you create a constitutional convention it's Katy bar the door And the possibility of a runaway convention certainly exists

de GRAAF Have there been anymore recent proposals on term limits?

JOHNSON There was a measure that was put before the voters was it in 2002? Yes March Proposition 45 to extend the terms maintain limits but give you more And it went down to a pretty substantial defeat at that point I don't have the details There have been proposals floated repeatedly to Certainly a lot of folks in the legislature would like to propose a complete

repeal of term limits but they recognize the popularity that it has so the proposals that are floated again and again that maybe well we could adjust this tie it to extending the terms so that assemblyman will be a four year term instead of a two year term and a senator a six year term as opposed to a four year term We won none of them after this last effort which was largely a Democrat effort They spent I don't know millions of dollars and lost and I think that the stomach's kind of gone out of them to try a frontal assault anyway

de GRAAF Did anything ever come of Assembly Tom Bates' suit to declare term limits illegal because they violated the voters freedom of choice?

JOHNSON Oh sure The lawsuits against Prop 140 went all the way to the United States Supreme Court The state supreme court had ruled that it in effect was unconstitutional It was reversed by an appellate panel that said no it is constitutional And the United States Supreme Court declined to hear the case as I recall I know it went all the way to the U S Supreme Court You may remember that Prop 140 had some other provisions one that related to pensions for legislators and so on That provision was thrown out as respects legislators who were then vested members of the retirement system But the fact is that there are only a handful of us left The overwhelming bulk, well over a hundred members of the legislature today have no pension benefits The courts affirmed that California did have a right to limit the number of terms that a legislator serves

de GRAAF Just a couple of other things on reform and then we can leave that The change of the date of the primary from June to March did you have any role or interest in that?

JOHNSON Oh yeah I've been involved in that issue

[End Tape 6 Side B]

[Session 3 May 7 2004]

[Begin Tape 7 Side A]

de GRAAF Before we get into the budget there's one piece of leftover business from an earlier topic and that is elections First of all the change of the June primary to March were you an advocate of that?

JOHNSON I have long been an advocate of moving the presidential primary to much earlier in the year I've been involved in this issue for twenty years and more and I felt that California was simply left out of the process of selecting the nominees of the major political parties Candidates come to California raise the money which they then go spend in Iowa and New Hampshire But I always had advocated a bifurcation or a return to the bifurcation of the primary I believe that primaries for state elective office and the congressional delegation and so on should be much later in the year I've argued for August or September If you're interested I can go through my reasoning

de GRAAF Yeah Why that late?

JOHNSON First I should mention that California did for a number of years have a bifurcated system with the presidential primary coming in May and the other primaries coming later in the year That was changed during World War II because so many men and women were away in the service It didn't take effect as it happens until the war was over

De GRAAF Didn't we also have a bifurcated system in 1996 when a 1993 law temporarily moved the presidential primary to March while leaving others in June? Did you support that 1993 bill?]

JOHNSON I think that there are enormous potential advantages for having primary for state elective offices, congressional districts come much later in the year. Today you have a ridiculous system with the March primaries where people are deciding more than a year before the general election whether they're going to run or not.

Let's say you're thinking you might like to run for the assembly and you have a freshman assemblyman representing your area. You're making a judgment on whether you're going to challenge that person when they've been in office for about eleven months and that makes no sense. These prolonged campaign seasons result in far more expensive campaigns.

Plus I believe if you had the primary far closer to the general election you'd see a lot more use of volunteers in campaigns. Today what happens is if you can put together for your assembly campaign that we're talking about here a group of friends and neighbors and volunteers who are willing to go out and knock on doors for you or address envelopes or whatever it is they do. When we had a June primary then there was nothing to do from June until September at least and your volunteer base would scatter to the winds. Now with it being in March it's even more ridiculous. You have literally the spring training in baseball you have the entire season you have the All Star game you have the playoffs and the World Series and they all occur between the time you nominated a candidate for the assembly or whatever office it is and voting for that person or against that person in a general election.

Now I've pushed this idea for twenty years and invariably it's opposed by campaign consultants who say Well if you had the primary so close to the general election there wouldn't be time for the wounds created in the primary to heal My answer to that is 'Who created the wounds in the first place?' I argued that it would result hopefully in more civilized campaigns instead of the blood in the streets kind of campaigns we see now

So when the issue finally reached a head in the legislature even though I had carried bills I had co-sponsored bills on a bipartisan basis I worked with Mike Roos who was a Democrat assemblyman Maxine Waters who then was a Democrat assemblywoman

de GRAAF So this was not a partisan issue

JOHNSON Oh it certainly wasn't with me I worked with [Democrat] Jim Costa Costa wound up as he was in the senate by this time as was I carrying the bill But in the end the bill was amended in the assembly to not only have the presidential primary in March but to move all the other primaries to March as well The reason for that was a Democrat staff person on the assembly side who works in election issues named Bill Cavala Cavala insisted on that for a very simple reason The following year would be a reapportionment year and he wanted to limit the ability of Republicans to referend any Democrat gerrymander of districts As it happens that didn't materialize but that was

The only threat that Republicans had in terms of 2001 reapportionment was that well we can referend we've done it before Well the truth is that was a colossal bluff because there was no money to referend But that's why that bill in its final form moved both primaries to

March ¹ Bill Jones who was secretary of state and who wanted to be governor wanted a bill badly enough that I was working on Republicans in the legislature for a no vote and I think I could have gotten it and did get no votes But Pete Wilson wanted the bill and didn't care that much about

de GRAAF Pete Wilson or Bill Jones?

JOHNSON Both Pete Wilson wanted it because he wanted to run for president and thought that moving the California primary would give him a head of steam in running for president Bill Jones wanted to run for governor and wanted to point to something that he had done in his role as secretary of state We passed that It was a terrible idea. I think we actually have a shot at correcting it this year to move both primaries to June which for me is a compromise I hate to say this Anybody in elective office hates to admit they were wrong but I think history has proven that I was wrong in my argument over twenty years that moving the California primary for president earlier in the year would give California more clout in the nominating process Because the practical matter what's happened is other states have just leap frogged ahead of us so you have a longer and longer campaign season nationally And California hasn't benefited one iota from it so I think it's time for us to recognize that the experiment has been a failure and go back to a more reasonable time Again if the only vote that was required was mine I'd still put in place a bifurcated system and have the other primaries much later in the year But realistically that's not going to happen ²

¹ S B 1999 1997 1998 Reg Sess Cal Stat ch 913 (1998)

² Ed Note Johnson did sponsor S B 1730 in 2004 to change the date of all primary elections from March to June This passed the legislature and as of the close of the session was on the governor's desk (Los Angeles Times August 29 2004 A33)

was a result of running unsuccessfully for the U S Senate He lost a senatorial primary to Bruce Herschenson [in 1992] Herschenson of course then narrowly lost the race to Barbara Boxer in the general election Tom was absolutely convinced that if Democrats and Independents had been permitted to vote in that primary he would have defeated Herschenson and gone on to defeat Boxer So that was the impetus for the initiative He got some of his big supporters from the Silicon Valley that's the area he represented the Stanford area to put together the money and they ran a campaign and it sounded great

You used the correct phrase blanket primary It was referred to repeatedly as the open primary I kept saying "No It's not an open primary it's a blanket primary The distinction is that an open primary you walk into your polling place on election day and you say I would like to have a Republican ballot " Or "I would like to have a Democrat ballot Then you choose from among the various candidates

de GRAAF Regardless of your party affiliation

JOHNSON Regardless of your party affiliation That's the definition of an open primary But what was put in place for a couple of election cycles was *not* an open primary it was a blanket primary which meant you walked into your polling place and got a ballot that listed *all* the candidates for *all* the parties You could choose from the Republicans for governor and a Democrat candidate for lieutenant governor and a Libertarian candidate and so on blanket primary I thought it was wrong headed

Let me just back up for a moment a say I believe that Tom Campbell was absolutely wrong that if Democrats and Independents had been allowed to vote for him he still would have lost the primary to Bruce Herschenson Bruce Herschenson had a base of support in Southern

California, and it was rather like Reagan Democrats. There were a lot of people Democrats and Independents as well as Republicans who followed his commentaries on KABC television and he was extremely popular and far better known in Southern California. Tom was known in the Bay Area but was not known in Southern California. So I think his basic premise was flawed. Ultimately the U S Supreme Court threw that out¹

I should mention perhaps that there were a couple of people elected from Orange County who won assembly nominations as Republicans participating in an open primary. Tom Harman from Huntington Beach and Lynn Daucher from Brea. The then chairman of the Republican state party wanted to file a lawsuit because of the timing when the U S Supreme Court tossed it out.

de GRAAF: It was right after the election, wasn't it?

JOHNSON: That's right. So he wanted to use that as the basis to challenge their having won the Republican primary. Tom Harman from Huntington Beach and Lynn Daucher from Brea. I was able to head that off. I argued very strenuously that "You're arguing an unknowable." We can do an analysis. And in both cases they did, and clearly both had Republican opponents who got more Republican votes than they did. But I argued the blanket primary was the system in place for that election, and if it had been a closed primary, which I obviously favor, they would have run different campaigns. So you can't say with certainty that Tom Harman would have lost to Jim Rígheimer if there were only Republicans allowed to participate, because Harman would have run a different campaign.

¹ 528 U.S. 1133 (2000)

Now there is a proposal that's obviously going to be on the November ballot which is a second bite at the apple. The Supreme Court in the case that overturned California's blanket primary left open the possibility that a Louisiana style election might pass muster. So this is what is going to be on the ballot this November.

de GRAAF: What exactly is a Louisiana style?

JOHNSON: Well, it is argued by the proponents of this, some of the same folks who pushed the earlier blanket primary that it is an open primary. But it actually isn't. It would eliminate the direct primary as we've known it for a hundred years in California and substitute for that a Louisiana style which is a runoff general election system, a two-step general election where the first round of voting is held and the top two vote-getters in that first round of voting, regardless of party, advance to the runoff election.

I argued again that this is not just, as the proponents say, an open primary, but it's elimination of the primary. If, for example, in this area, as would be very likely, two Republicans advance to the runoff, then when exactly did the Democrats have their primary, or the Natural Law party their primary, or the Libertarians their primary? I'm very much opposed to this proposal. The proponents argue that it will produce heightened voter interest and participation and encourage more moderate candidates. I don't think you have to look any farther than the one office you've got, one state office in California that operates in that way, where the two top vote-getters, regardless of party, advance to the runoff, and that's the superintendent of public instruction.

Now, in the most recent election, Jack O'Connell was elected, and this is instructive. I think, by the widest margin of any candidate running statewide, widest percentage. But he also got far fewer votes than anyone

running for any other state office. So obviously the argument that somehow this is going to encourage voter interest and participation just doesn't work. You take a look at Louisiana. Louisiana has routinely the poorest voter turnout in the country in congressional races. Look at local non-partisan offices: city council, school board, county board of supervisors. These elections always get far fewer than the partisan elections. I think the truth is that a lot of voters get at least some clue about a person's general positions by their party affiliation.

de GRAAF: I think you're right, yes. Okay. The final thing that's come up, and this is since we last had an interview, is the interesting mess with electronic voting. In your estimation, did we make a fundamental mistake in even moving to electronic voting?

JOHNSON: I'm not opposed to the notion of electronic voting, but I had consistently over the last three or four years expressed concerns about security and argued for greater security, and I've argued for an auditable paper trail. I've had some very interesting and [chuckles] heated discussions with some elections officials around the state going back three or four years.

What I think has occurred is the following. We all saw in the 2000 presidential election what happened in Florida, and the American press and public for the first time became aware of dimpled chads, hanging chads, pregnant chads, and so on. I was very familiar with them going back twenty years. I participated in a number of recounts, and that's exactly what you're arguing about in any recount. This was not anything new. But in the wake of all that controversy, there was a rush to judgment on replacing those systems with more accurate systems.

A lawsuit was filed. Bill Jones, as secretary of state, entered into a consent decree to eliminate the punch card systems in California. Then

you have I think, local registrars of voters who know no more about computers than I know who have suede shoe wearing vendors come in with a smooth line and promise the kind of results that they really can't deliver

de GRAAF So the electronic machines themselves are all a private enterprise? The state had never researched and said this would be a model way of doing it?

JOHNSON Oh no no These are all competing vendors The federal government with the Help America Vote Act of 2002 ¹ had set up a system for certification but by all accounts woefully understaffed The state of California, by law is required to certify these machines and we've seen since the March election beyond any question that vendors of these election systems misrepresented what their equipment could do In at least one case Diebold Systems perhaps committed criminal violations and plainly lied about whether they had certification or not

There's a very fundamental problem Again I have no axe to grind against electronic voting I think probably that's the way the future's going to be But the way it operates now is simply too susceptible to error or outright fraud My goodness I've said before I'm no expert on computers but I have enough of a natural suspicion to be concerned and to have raised issues But I'm absolutely convinced at this point that people who know an awful lot more about computers than I do and not some black helicopter type screwball but people who are expert in computers and computer technology share my concerns

A professor at U C Davis who I've met and who testified in favor of my bill the other day what this man does is security for computers and checking security for computers It took him he said looking at a Diebold

¹ PL 107 252 116 Stat 1666

JOHNSON system in Maryland about thirty seconds to hack into their system. And most of that time was spent picking the lock on the machine. He indicated he picked it with a lock picking kit that he purchased in a hardware store off the shelf. This is a bipartisan issue. I'm hardly a tool of Hillary Rodham Clinton, but she has become concerned about this. The federal commission responsible for enforcing the Help American Vote Act had a hearing this week in which they said there's a real possibility of an insider job.

The best analogy that I've come with is this. Let's say it was paper ballots and you're in charge of counting the paper ballots. We're at the Registrar of Voters office on election night and you pick up all those paper ballots in boxes and you go lock yourself in a back room and announce as you step into that room, 'I'm going to count the votes now.' In due course you come back out and you announce the results. 'Johnson, you lost. Your opponent won.' 'Well, can we take a look at those paper ballots and see?' And you say, 'Well, no, I'm afraid you can't. But I assure you that my count is right.'

That is, in effect, what we're asking these electronic machines to do. Recount from the March primary in Riverside County, and the Riverside Registrar of Voters is just up in arms and says we've run twenty-nine successful elections, they were the first to go to electronic voting in California. Well, I don't think her characterization that they've run twenty-nine elections without any problem would be agreed to by the candidate who lost in a very narrow race for county supervisor running against an incumbent out there in March, who then asked for a recount and, in effect, what the recount did was to punch the same button on the computer and came up with the same numbers. Which, I say, is just exactly like you

JOHNSON coming out of the room and saying This is what it is You'll just have to trust me But no evidence of chain of command or control over the vote machines no external audits no internal no way to verify that what the machine said is right

One last example In the recall election last fall in Alameda County a candidate in the recall election named John Burton wasn't the senator John Burton it was a John Burton from Los Angeles an absolute no name I think he was a socialist Just an absolute no name that was on the ballot and getting no votes anywhere But on election night he was getting three thousand votes in Alameda County Well people were certainly struck by that disparity How do we account for that? A technician from Diebold Systems fools around with the computer and says Oh that was an internal glitch in the computer Those votes should have gone to Cruz Bustamante

Now first point. We have only his word for that Second and more important point it was because the three thousand votes went we're told in error to a no name candidate that this became an issue But if the three thousand votes had gone to Tom McClintock or had gone to Arnold Schwarzenegger or indeed if they had gone to Cruz Bustamante no one would have challenged it No one would have questioned that And those three thousand votes are greater than the margin by which George W Bush won the presidency of the United States in 2000

So you can put me down as very doubtful about electronic voting I think that there's been this headlong rush to do it Part of that, you hear a lot of complaints from registrars and county supervisors who say Well we've spent all this money ' Oh In almost no case did they spend any of their money They were spending federal money from the Help America

Vote Act and state bond money And I don't think they made wise purchases

de GRAAF That's interesting Your bill¹ is the one to impose a moratorium on

JOHNSON Right

de GRAAF For the coming November election

JOHNSON Right

de GRAAF That would be a statewide moratorium on the use of electronic machines?

JOHNSON Right Right now I think about 40 percent of California's voters have the opportunity to vote electronically The county clerks and registrars and the supervisors around the state are circling the wagons to defend the choices that they've made They're saying these are minor technical problems that can be worked out for the November election, and my answer is why in the world should I take the word of some election official that the problems are all going to disappear when they told us there weren't going to be any problems?

I'll make one final point and that is none of these problems San Diego County where about half the precincts didn't open on time Lord knows how many thousands of voters may have been turned away that didn't have the opportunity to come back and vote later in the day after the polling places finally opened Here in Orange County where thousands of voters got the wrong ballots None of those problems not one anywhere in the state was brought to the attention of the press or the public by a local election official In every case they were discovered by the media's

¹ S B 1438 2003 2004 Reg Sess [This bill is very much in line with [Secretary of State Kevin] Shelley's actions on county voting procedures The bill as it stands today would require a voter verified paper trail by January 2006 It should pass the final week of the 2003 2004 session] This bracketed material was inserted by Senator Johnson in his review of the transcript

investigation from the outside And these are errors that were obvious from the outside but we don't know what errors might have occurred internally because all of these programs by these vendors are proprietary and you can't see them and I can't see them

de GRAAF You as senator could not see them?

JOHNSON Oh no Oh no Part of the reason that Diebold Systems has caught more flak than other systems is because of an internal error at Diebold where for a period of time they had inadvertently put their program on their Web page A lady by the name of Bev[erly] Harris up in Washington state a person who writes on computer related issues got a copy of it and sent it out to a bunch of other people They were mortified and jerked it off But this professor I mentioned that testified before the national commission this week put a group of his students to work on that Okay figure out how to beat this system He said he was stunned at how easily they could beat the system and how difficult to detect their manipulation of the system was That is a real fear Not only the inconvenience that voters had when glitches kept polls from opening and so on but the potential for someone working for one of these vendors or someone working in a Registrar of Voters office through inadvertence or malice to affect the outcome of an election I believe that errors here in Orange County certainly impacted on one race for the Democratic Central Committee and may have impacted on a Democrat nomination for the assembly

de GRAAF Very interesting Just a side question do you think your moratorium bill has a good chance of passing?

JOHNSON I would have to be honest and say I think that the odds are very much against us You have groups representing handicapped individuals who claim that this would be taking something away Those who have been

able to vote at the March elections with the electronic voting that they appreciate the convenience of that. And some language minorities claim that there's an advantage to them. I think they're probably right in both cases. Then you've got the registrars of voters who have a vested interest in defending these decisions that they've made. It's going to be tough to overcome that kind of resistance. What we have to do obviously is urge new legislation. But the potential for a Florida style disaster is clearly there.

de GRAAF: Let's get on now into tax policies. First of all, did you have any interest or participation in the amendments that Los Angeles County's tax assessor Phil[ip] Watson put up in the late sixties and early seventies, sometimes looked upon as the granddaddy of Prop[osition] 13?

JOHNSON: He had two initiatives. As I recall, the first was very soundly defeated. The second was defeated by almost as wide a margin. My recollection is that a major factor in the defeat of the first was Governor [Ronald] Reagan's opposition, and Reagan indicated that he was going to, through the legislature, ensure property tax relief. I was not actively involved in the campaign either for or against either of them. But virtually the entire political establishment, Republican and Democrat, opposed both initiatives. If I recall, the second of the initiatives involved a tax increase as well to overcome the objections there had been to the first one. My recollection is that Governor Reagan's enormous popularity was a major contributing factor. He said this isn't a good idea.

de GRAAF: Okay. Now I suppose there are several theories on why Proposition 13 worked out so much differently than the Watson amendments earlier. I'd like to know which of these you think was most important. But first was Proposition 13's popularity a reaction to the economic effects of inflation?

and sharply rising home values between 1972 the last Watson amendment and 78 Do you think that was a major

JOHNSON First of all pressure had been building through more than a decade for property tax relief There had been half hearted attempts in the legislature to address one facet or another but these had to do with the rates not assessment Then of course the problem that Prop 13 sought to address was the dramatic increase in the assessment I think I may have told you before that I supported Prop 13 I campaigned for it I was campaigning for the Republican nomination for the assembly at the same time in the spring of 1978 I knocked on thousands of doors I talked to a lot of people And there's no question that skyrocketing property taxes was a major motivator

But in my opinion a far greater motivator just on the basis of people I'm talking to at their front doors was resentment at the cost of government at all levels I had people talk to me more about deficits at the federal level and the six hundred dollar screwdrivers or whatever it was and then talk about the spending at the state level You may recall that that spring just literally two or three weeks before the election it came to light that the state had what Jesse Unruh described as an obscene surplus The surplus properly reckoned was what six billion dollars? It didn't seem quite so large because of Prop[osition] 8 [6/78] money that was set aside presuming that Prop 8 would pass

I think and this was my position and this I believe is an accurate reflection certainly of the voters that I talked to in the course of that campaign that Prop 13 was the only game in town It was the only way to say to politicians 'We want economy in government to be more than just a

slogan that you drag out at election time ' It s a way to send a message to the political ruling class if you will

de GRAAF So the particulars of Prop 8 may have been a more cleverly crafted way of property relief but that didn't go across as well as

JOHNSON I think that Prop 8 was terrible Prop 8 was not only too little and too late and too complicated it contained for example a split roll for treating property for tax purposes differently and I think that s a terrible slippery slope to go down In some Midwestern states they had as many as seventy different classifications of property for calculating property taxes I thought that 8 was a terrible proposal

I think that again the political establishment the powers that be virtually all Democrats and quite a few Republicans Jerry Brown leading the charge against it for Democrats I think they made a mistake in concentrating their fire on 13 and on Howard Jarvis personally predicting that the world will come to an end if Proposition 13 passes and the kinds of scare tactics that were used up and down the state

Prop 8 was complicated and difficult to understand and by concentrating their fire on 13 why that was a bad idea and not explaining why they thought 8 was a good idea, they really played into Jarvis hands because people wanted relief And it's the idea again that If I don't understand 8 13 is the only game in town I do believe for its shortcomings it was a superior proposal to Prop 8

I already mentioned the May revise that spring revealing the huge surplus The other thing was Alex[ander] Pope the newly anointed assessor in Los Angeles County having succeeded Watson basically announcing to the world that he was going to have to increase assessments on a lot of homeowners by 50 to 100 percent And then all the attendant

publicity that got in the final weeks of the campaign and the legislature trying desperately to come up with a freeze on assessments or something it was all too little and too late

I would back up because there's been a lot of revisionist history about Prop 13. People say well let's control the initiative process and so on. There's no doubt that a lot of initiatives have qualified and this has become more and more the norm in California, where any group will go out with four or five million dollars and qualify an initiative for the ballot. But Jarvis and [Paul] Gann qualified 13 on an expenditure of less than thirty thousand dollars. It was all collected by volunteers. They turned in well over a million signatures and the total number of signatures that they had gathered was about a million five. They just couldn't process them all in time but they qualified with far more signatures than they needed. It was a genuine grass roots revolt.

de GRAAF: Okay. Now going on to some of the things that followed in its wake. In 1979 the legislature abolished the business inventory tax. Was this in your estimation or do you recall done in the spirit of Proposition 13 or were there economic reasons for doing that?

JOHNSON: This was something that again had been talked about on a bipartisan basis for a number of years just as some form of property tax relief had been talked about. I think that before I arrived the business inventory tax had been incrementally reduced but it was still there. Yes, it was in the spirit of Prop 13 but it was also the realization that the business inventory tax just didn't make a whole lot of sense. You had businesses that were declining to locate in California because of the business inventory tax. You had businesses in California that were constructing warehousing facilities across the line in Nevada or Arizona. It put California at a

competitive disadvantage because a number of our sister states had eliminated business inventory taxes in their state. So there were good economic reasons for it.

The Prop 13 connection beyond just the politicians looking around and thinking maybe I'd better get on the right side of this little tax revolt going on here was that by limiting the assessment practices, elimination of the business inventory tax didn't cost much. It wound up in the wake of Proposition 13, elimination of that was going to cost the treasury a whole lot less money than it would have previously.

[End Tape 7 Side A]

[Begin Tape 7 Side B]

de GRAAF: Okay. You were saying it was a bad tax?

JOHNSON: It was a bad tax because it was perverse in its effect. Businesses that had inventories weren't able to reduce their inventories; they got stuck with this tax. Think back and you'll remember 'Giant inventory sale!' The reason for that was to get their inventory down as low as they possibly could prior to the lien date. It was just a bad tax, and I think that there was and had been for a number of years some bipartisan recognition of that in the legislature, but for one reason or another they never really pushed it all the way.

de GRAAF: Now a puzzle to me was in doing research on this that a year after the business inventory tax was repealed in 1980, Jarvis comes out with Proposition 9, and it includes a ban on the inventory tax. Was he beating a dead horse or

JOHNSON: Well, as it turns out he was because Prop 9 went down to overwhelming defeat. I don't know the answer to that, but I suspect it had something to do

with the timing of the drafting of Proposition 9 I remember the principal feature of Prop 9 was a dramatic reduction in the personal income tax But it had other features

de GRAAF Okay That s a good explanation It may have been that it had something to do with timing

JOHNSON I suspect that that s it

de GRAAF Another idea that comes up about the same time and in fact is first passed in 1978 was the idea of indexing income tax which I imagine also may have had something to do with the inflation that was going on at that time kicking people up to higher tax brackets

JOHNSON Huge inflation in that period of time double digit inflation As people were being bumped into ever higher brackets it was distorting the progressivity of the personal income tax because lower earners were being shoved into ever higher brackets and as a consequence paying a bigger share Not that the lower income tax brackets paid that large a share of the overall personal income tax but it was negatively impacting that progressivity More and more of the burden was shifting to the lower income taxpayers

Again this related to Prop[osition] 13 I didn t mention but after the June primary in 78 Jerry Brown became Jerry Jarvis He was the number one opponent of Prop 13 Evelle Younger who was the Republican nominee for governor that year against him had campaigned for Prop 13 Yet by the end of the summer public opinion polls showed that voters thought Jerry Brown had been for Prop 13 and Evelle Younger had been against it It was just amazing Howard Jarvis wound up voting for Jerry Brown [Laughter] You may recall Brown said 'I m a born again tax cutter The people have given me my marching orders and I m

going to follow them. Younger in contrast after the [primary] election went off for a two week vacation in Hawaii. So in the fall Jerry Brown was doing commercials saying 'While Evelle Younger was sunning himself on a beach in Hawaii I was carrying out the will of the people and implementing Proposition 13.'

Then Younger ran commercials in the fall with the old fashioned agitator type washing machine and a cartoon cutout of Brown attacking him on flip flop. Well what he tried to characterize as a flip flop the people viewed as flexibility. They viewed it as a positive. Anyway that was a blown opportunity for Younger.

de GRAAF: The main question I guess I have. I ran across these three different indexing bills the first of which was partial indexing. Now that you might have to explain. How would you work out partial indexing?

JOHNSON: This was before I arrived but what they did was they indexed it to the consumer price index above 3 percent. So the first 3 percent increase you had to suck it up but above that then that would be indexed downward. So that was the partial indexing. And there was absolutely no rationale for that except Jerry Brown wanted to keep the money. He didn't want to see the state lose that. It was a totally arbitrary thing that 3 percent.

Along came all of us that were elected in 1978. Marian Bergeson really pushed that issue and we all pushed it for her. One of my real memories of my first term in office was a group of us being down in Governor Brown's office meeting with him on a totally different subject, and my being kind of surprised taken aback. My colleague Pat[rick] Nolan who like me was a freshman and was very much in the governor's face wagging his finger 'What are you going to do to help us with indexing?' Very confrontational there was a strong feeling about it.

It was fully indexed for two years and then Bergeson had later a bill to make it permanent which passed. Then Governor Brown vetoed it. It was kind of a bizarre. His veto message frankly I don't think made any sense. I mean it was just well this is not really doing anything. It was just strange.

de GRAAF: Now, the other thing that was passed well I'm not sure it was passed. I didn't do my homework here. Proposition 7 was proposed in 1982¹ which would have created, I believe full indexing but I'm not sure if that passed or was ever implemented.

JOHNSON: Oh yeah. This was the Jarvis initiative Prop 7?

de GRAAF: Yeah.

JOHNSON: Yes. It passed.

de GRAAF: So do we have income tax indexing? Of course the inflation subsided and perhaps the situation has not since arisen to actually implement.

JOHNSON: Yeah. We haven't had the experience of double digit inflation but yeah indexing is in fact in place.

de GRAAF: Okay. Now some people are puzzled that after these successes Jarvis in June of '80 puts forth as you said Proposition 9 which would essentially cut income taxes in half and it failed.

JOHNSON: It failed pretty badly.

de GRAAF: Did the Republican party take a position on 9 that you recall?

JOHNSON: No. I honestly don't recall. I should say parenthetically and this may sound strange coming from someone who's been a Republican member of the legislature for almost twenty six years and I served as Republican leader in both houses of the legislature but I don't pay a whole lot of attention to what the Republican party of California does any more than I

¹ Passed in June 1982

pay attention to what the Democratic party structure does. I joke about it that I go to the Republican convention about every ten years just to remind myself of why I don't like to go to them. I honestly don't recall

de GRAAF: Let me ask a more operational question perhaps. Was it at all common that the Republican caucus in either the assembly or the senate would take positions on ballot measures?

JOHNSON: No. As in let's have a show of hands? Never. In my entire time there. Now people will obviously talk to one another about it and in a lot of cases a lot of Republican members of the legislature go the same way on initiatives. But to be perfectly honest these things fade. I presume that I supported the measure. That would have been my inclination. I absolutely know I didn't take any prominent role in it but it's just too long ago to be honest with you. It fades. Obviously it went down by a wide margin. I think the perception was that it was a bridge too far that people wanted to make sure. At that point in time the public perception was that the transition to implement Proposition 13 had gone smoothly. I think there was a fear that it might disrupt Prop 13 notwithstanding that it was Jarvis promoting it. The scare tactics that had not worked with Prop 13. I think worked well in that campaign.

de GRAAF: Do you recall at all were legislators by this time seeing Jarvis himself as a bit of either an over-reacher or an egotist or a pain in their butt?

JOHNSON: [Laughter] Well it all depended on the side you were on. A lot of my Republican colleagues regarded him as genuine American folk hero irascible sometimes profane but a genuine folk hero who was fighting for the little guy fighting for the average guy. Our Democrat colleagues regarded him with contempt but a little element of fear as well.

I can recall Carol Hallett on his coming to visit the assembly chambers standing in back of chambers and sort of introducing visitors and Carol threw up her microphone and said We have a special guest in back of the chambers our American folk hero Howard Jarvis And there were derisive sneers from Democrat members on the legislature but there was a swarm of Republican legislators who got up and walked back to shake his hand It depended on one's point of view

de GRAAF Okay That's an interesting one Another thing that comes along in the wake of 13 was Proposition 4 passed November 79 Was this the first time to your knowledge that the idea of spending limits had been seriously proposed?

JOHNSON No It was not Reagan had a ballot measure

de GRAAF That's right Proposition 1 yeah

JOHNSON I wonder if it was Prop 1A in 1973 as I recall, the special election that contained a spending limit That was defeated notwithstanding its popularity Then there had been some efforts in the legislature prior to my arrival My recollection is that in the immediate wake of the passage of Prop 13 [Senator] George Deukmejian had a bill a spending limit measure which passed the senate but he was the nominee for attorney general for the Republicans so the Democrats in the assembly weren't about to allow him to get credit for something that they viewed as

de GRAAF Was Deukmejian in the legislature then or was he the attorney general?

JOHNSON No He was a state senator who had won the nomination for attorney general in June He was still in the senate but he was the Republican candidate for attorney general and the Democrats in the legislature just weren't about to let him get credit for something that they thought was going to be very popular If memory serves [Senator] John Garamendi

who was a Democrat senator from up in the area just south of Sacramento at that time amended some form of a spending limitation into a bill of his. It passed the assembly and went back to the senate for concurrence. The combination of Democrat senators who didn't want to see a spending limit and Republican senators who were outraged at the tactic of taking Deukmejian's issue away from him for obviously purely political reasons. The matter was killed. died in the senate.

What happened was that a group of people from California Taxpayers Association, real estate agents, other business interests, drafted an initiative and got Paul Gann, who was essentially their front man. He didn't have anything to do with the draft. He may have changed a comma or something. But he was basically their front man. That November, I think they collected most of the signatures that they need to put what became Prop 4 on the ballot, so that when we all arrived there, my class, it was pretty obvious that this was going to be on the ballot.

de GRAAF: That's interesting. Now, how much effect do you feel Proposition 4 has had? I know the *California Journal* at one point regarded it as eviscerated.

JOHNSON: Yes. There was a rebate, we can talk about that, which was handled all wrong. Essentially, the Gann limit was destroyed by Prop[osition] 98. The California Teachers Association, what year was that?

de GRAAF: Proposition 98 passed in '88.

JOHNSON: I think that the Teachers Association had a proposal in June designed to change Prop 4 to change the Gann limit.¹ That failed, but they came back in November with Prop 98. I had been given, in a plain brown envelope, a copy of the survey that the California Teachers Association had

¹ Proposition 71, June 1988

JOHNSON commissioned. Their original intent was to go to a tax increase measure earmarked for education and their own survey results showed that that would be overwhelmingly defeated—that people weren't willing to do that.

A very bright guy who worked as a teacher lobbyist—he's still around—he's sort of semi-retired—but I saw him just within the last few weeks—John Mockler, a long-time staff person there working on education—he drafted that. It was very clever.

The campaign for '98 was, I believe, entirely. It was not an honest campaign, in my opinion. You can go back and look at the television commercials and so on that they did. Bill Honig [State Superintendent of Public Education] did. It was sold to the voters of California as an accountability measure. Television commercials featured. It's outside the principal's office and here's a little boy sitting on the bench waiting to see the principal. Sitting next to him is his teacher and he's got to see the principal, too, right? The whole pitch of it was that this was going to increase accountability in the schools. There was some passing reference to when times are good, schools will get more money and when times are bad, they'll lose money, the same as anyone else. When, in fact, what the initiative did was to eviscerate Proposition 4 and to guarantee education an ever-increasing piece of the pie notwithstanding that the California constitution at that time and had for many years said the first priority for state funds was education. Even with that, it passed by the narrowest of margins.

I should probably mention the fact that the Teachers Association funded that to a tune of about \$5 million and the opposition spent about \$200,000 and then relied on free air time to run commercials to counter the

commercials of the pro side So they were hugely hugely outspent And still 98 passed with just over 50 percent of the voters approving it

de GRAAF That's interesting Do you recall any serious efforts to revive spending limits before Arnold Schwarzenegger's recent toying with the idea?

JOHNSON I probably should mention though in connection with why the Gann limit doesn't work also is because of [Proposition] 111

de GRAAF Yes the transportation

JOHNSON Which also juggled with it So it's not *just* 98 Although from the passage of 98 forward really

de GRAAF Did you personally ever try to revise such legislation?

JOHNSON No I have not but others have I think there's a very serious possibility of a new effort in that Of my colleagues the champion of this has been Tom McClintock I will say that I was very disappointed that Governor Schwarzenegger earlier this year blinked because he had talked about a serious expenditure limit and for a time actually held firm They indicated a deadline to put the matter on the ballot for March That deadline came and went and there was no bond proposal My personal opinion I met with the governor personally and talked to him about it and said "You have to understand the Democrats in the legislature want that bond measure as badly as any of us want that bond measure and this is an opportunity to hang tough here be firm and get a meaningful spending cap But I think he was panicked

The popular conception, I think, is that he negotiated brilliantly I just don't agree with that I thought that the bond measure was extraordinary but better than the alternative which was a major tax increase

de GRAAF Now one thing that comes up a few years later than Prop 13 is the awareness that it did have at least one significant loophole and that is that cities could fund projects through imposing fees that did not require a two thirds vote or in some cases even a popular vote The state supreme court in a Farrell case about 1983 upheld that So we get Jarvis' last gasp Proposition 36 ¹ which would have required two thirds vote on all fees as well as local taxes Did the legislature have anything to do with that or is that again purely a Jarvis initiative? Or let me put it more broadly Do you recall that you or other legislators were at all concerned about this loophole?

JOHNSON Absolutely Oh absolutely It was bipartisanship There were a whole series of court cases the details of which begin to fade with time that undermined what had been the clear intent of Prop 13 Prop 13 for example had language that used the phrase "for any special tax" That is to say that a vote was required of people to create a special tax Well Jarvis and the folks who drafted Prop 13 meant by 'special tax' a new different novel tax not previously imposed The state supreme court said no that's not what you meant at all What you meant is a special tax is being taxed for a particular purpose which resulted in the perverse result that if a jurisdiction didn't say what they were going to spend the money for they didn't have to have a vote They only had to have a vote if they spelled out We're going to use this for That's what you mean when you say 'special tax' Jarvis and his supporters were left to sputter and say well we know what we meant and that's not what we meant

¹ Proposition 36 November 1984

de GRAAF So the result was Proposition 36 which would have required the two thirds vote on everything Now why do you think this lost? Because it did lose apparently by a fairly large margin

JOHNSON Yeah it did Well my memory is that a good part of the business establishment opposed that but why? I think there may be a feeling that 13 was working okay and so on

de GRAAF Finally one other wrinkle along that line was the Mello Roos Act¹ passed in 82 which gave cities a way to fund services in districts community facilities districts again without meeting the Proposition 13 requirements of the two thirds vote This was a legislative act Do you recall your position on that?

JOHNSON Oh I opposed it It was a tax by another name and it was done at the behest of developers How do we figure out a way to be able to build in a community because of the infrastructure needs So this is giving a tool to local government to do that

de GRAAF Did you recall at the time that there was much argument that this was essential if infrastructure needs of development were going to be met?

JOHNSON Oh sure I'm sure that was the debate The contrary debate I'm sure was so? It's a tax and if these things are important you should do this You go into an area that imposed this and then along comes the homebuyer and the homebuyer is faced with an accomplished fact There were other things that were done to Prop 13 There was a decision involving a park fee in Orland California I think there was a steady erosion

¹ California Community Facilities Act of 1982 S B 2001 1982 Reg Sess Cal Stat ch 1439 A B 3564 1982 Reg Sess Cal Stat ch 145

I can remember giving talks in early 1979 and I believe this to this day. It was as if some amateur climbed in the ring with the heavyweight champion of the world and landed a lucky punch and knocked him down. That's what Jarvis and all these citizens did and that was the illustration I used back in early 1979. "But let me tell you the old pros getting up off the mat. He may be a little shaky he got knocked down but he's been doing this for a real long time. I think that's exactly what happened."

I can't remember all of the campaigns and why some succeeded and why some did not. I suspect if you went back and looked funding had an awful lot to do with it. I mentioned Prop 98. Well the teachers unions spent a whole lot of money and nobody had any money to spend against it. The side that has the most money doesn't always win but the odds are in favor of it. [Chuckles]

de GRAAF: In 1988 you proposed a bill which would have rolled back the taxes on all post 1978 homes. Was this in reaction to the disparity of tax rates?

JOHNSON: It was a reaction to the constant drumbeat of criticism by people who had previously opposed Prop 13. It predicted all these cataclysmic results and those results clearly did not happen. The libraries didn't close, fire police, they didn't double the size of classes. So all these terrible things that were going to happen didn't happen. But I thought the criticism of two homes situated side by side and one purchased recently or constructed recently versus my mom's home in Anaheim where she had lived for thirty years [having increasingly different taxes]. I thought that was a legitimate criticism, a legitimate problem.

Although I argued as well and would argue to this moment that that higher rate that you're paying on the new house or the newly purchased house at least that's a decision that you could make knowingly. Prior to

the passage of Prop 13 if your neighbor two blocks away sold his house your taxes went up because it was the fair market value. The disparity troubled me but the disparity didn't trouble me as much as people's assessments going up when nothing had changed. The highest and best use was not really fair. If you've got a little home that you've been living in for thirty five years and because somebody builds an apartment building across the street you're still [assessed at a higher rate]. That was unfair. This proposal would have said that the base year for Prop 13 for purposes of assessment was 1975.

What I said was "Let's assume for all purposes of assessment on a home that you purchased at that time let's assume for assessment purposes the value that it had in 1975. And for a house that had been constructed since let's assume that it had been in existence in 1975 what would have been the value of that home in 1975 had it existed?" There was at that time a very substantial surplus in the state again approaching as I recall \$5 billion.

de GRAAF: It was about that time that Deukmejian was talking about a rebate wasn't it?

JOHNSON: Yeah right. I think so. At any rate the bill didn't go very far. [Laughter] I think that some of my colleagues in the legislature who complained about that disparity issue weren't really interested in fixing it, they were interested in ultimately doing away with Prop 13 returning to the pre Prop 13 era. I think absolutely it would have worked. The money was there. And that has I think been demonstrated over the years by that one time that we actually made the rebate and the other tax cuts that have been enacted at the state level over the years. It didn't go anywhere. [Laughter]

de GRAAF Okay About the time Prop 13 passed there was also a move to amend the Constitution of the United States to require a balanced budget Do you recall if that was a very important consideration to you or any of your colleagues?

JOHNSON No I don't Some of my colleagues thought it was a good idea I seem to remember Dick Mountjoy being very vocal in support for it I think others were concerned about the possibility if ever there were a constitutional convention to look at a balanced budget amendment the prospect of a runaway convention because once you call it you can't limit them to what they look at

The major emphasis as I recall was Jerry Brown wanting to be president In seizing on that issue it contributed to the dramatic deterioration of relationships between Democrat legislative leaders and Brown because he just pulled it out of the air without any warning at all and actually made a presentation before a legislative committee which was just unheard of that a governor of the state would do that It was just playing to the cameras because he thought this was a populist issue that would catch fire around the country It really didn't go anywhere He irritated a lot of his Democrat friends just because of the unilateral way in which he approached it instead of a little collegiality and at least give them a heads up that he was planning on doing this 'I'm thinking about this Do you think that's a good idea or bad idea?' It was regarded as grandstanding on his part

de GRAAF Okay Now I'd like to run through some of the governors' budgets and a few other economic issues that come up I'll begin with Jerry Brown Obviously the first thing in terms of fiscal ideas during *your* term in office

would be his Bailout. Actually it came I guess just before you got into office wasn't it?

JOHNSON That's right although there was legislation the following year. This was a major issue in the campaign in '78. He became "Jerry Jarvis." Actually the legislature uncharacteristically had a couple of weeks basically less than a month to put something in place and they did. I think that it was flawed but overall worked pretty well. The voters of California were satisfied with that. As I said earlier even Howard Jarvis wound up voting for Jerry Brown the perception being that he was following the marching orders that he'd been given.

That was very seriously flawed. And Orange County was like the poster child for this to this day because it was based upon the percentage of the property tax that a jurisdiction whether it be a city or county special district was receiving at the time of passage of Proposition 13. So the effect of that was to reward the jurisdictions that had been the least efficient in the use of tax money and to punish those who had been the most efficient. By and large we had good local government in Orange County so a lot of our jurisdictions wound up on the short end of the stick that locked that into place.

Part of that also was re jiggling the funding increasing state funding for education. But that was as much a response to the *Serrano v Priest*¹ decision. The courts were saying you can't have the property tax dependent system of funding education because of the enormous disparities it produces between a wealth of Beverly Hills for example and a blue collar community. So that was part of it. And they transferred

¹ *Serrano v Priest* 20 Cal 3d 25 (1977)

responsibility for a number of social programs from the localities to the state as a part of that as well

After I got there that following summer there was an additional bailout

de GRAAF Sometimes called "Bailout II "

JOHNSON Refinement of it This was a long time ago but my assumption is that I supported it but I was troubled by both Instead of saying this is how we're going to adjust the funding that the City of Brea gets for example the legislature had to mess with it and tell the City of Brea how they would spend the money or at least a portion of it You've got to spend this money on police and fire Now if I were sitting on the city council that would be my priority Police protection fire protection emergency medical services would be my priority for local government But I plainly didn't think that the state legislature ought to be telling local government Local control has always been a big issue in my mind It hasn't always been a big issue in the mind of the average voter But I always say the ancient expression "You can't fight city hall"? Well you have a whole lot better chance of fighting city hall than you have of fighting the state capitol or the federal capitol in Washington

de GRAAF Along that line were you or other conservative colleagues concerned that these two bailouts as you very correctly said began to shift to the state responsibilities or control over areas like education and social services that had traditionally been under local?

JOHNSON I certainly was concerned about that I had debates with my liberal colleagues, my Democrat colleagues about that who chose to interpret the passage of Proposition 13 as an attack on local government The people concerned with the property tax an attack on local government As I

JOHNSON mentioned earlier I didn't see it that way at all To my mind and to my mind to this day based on those thousands of doors I knocked on people were sending a message to politicians in general and I have always believed that there is We're having discussions right now in Sacramento about trying to reallocate resources It's been going on for the twenty five and a half years that I've been there

If I were a legislature of one this is what I would do I would give every city county special district in the state of California a balanced set of revenue options and allow them to make decisions about the kind of community they want to have not based on how it's funded so that you have decisions to have big box stores and auto malls and all of that What's the phrase? The fiscalization of land use

I would do the same for schools Again if mine was the only vote that counted we would give an adequate ongoing predictable funding base to every school district in the state of California We'd put the same amount of money behind every kid We would say that this is what we expect after thirteen years in the public schools in California, a kid to be able to accomplish Have a couple of interim examinations at fourth grade eighth grade And then let parents and administrators and teachers in a district devise a system that works for their community to produce that result

This is why local control is important to me When we make a mistake in Sacramento and God knows when they make a mistake in Washington D C it's a pistol If you've got a local city council that's not setting the correct priorities as for example police and fire protection and so on you've got some opportunity to vote with your feet Go across the line to the neighboring community

de GRAAF What about a local government that gives in to a NIMBY attitude and says for instance we won't have a prison located here or we won't have a landfill?

JOHNSON We have that today I mean the difficulty in situating a prison in California or Los Angeles I mean my God the percentage of those sentenced to prison that live there

[End Tape 7 Side B]

[Begin Tape 8 Side A]

de GRAAF There's one more thing I wanted to have with Brown I'll give you my perceptions Jerry Brown was seen as a Scrooge by a lot of us in the state university I mean he put salary holds on he cut our budgets down to the bone *California Journal* in one article called him an outright conservative fiscally Did you appreciate that side of him or did you and the Republicans have serious issues with Brown and his budget?

JOHNSON I see him from time to time in his capacity as mayor of Oakland I try not to be too critical of people that I served with There's nobody that I dislike among my colleagues or whatever But it's hard to resist the temptation to say Jerry Brown was just kind of a flake this paddle to the right, paddle to the left business And there's no question, on some issues he staked out what would have to be characterized as a conservative position the balanced budget amendment being an obvious example of that

But I had great great disagreements with him I believe that one of the worst things that he ever did and we're paying a huge price for it today was collective bargaining for state employees Look at where that collective bargaining has led to with the California Correctional Police Officers Association and the incredible sweetheart deal that they received

from Gray Davis. A real issue during that time that I served when Jerry Brown was here was the huge increases in public employee salaries.

I suppose I would agree with you that he wasn't necessarily friendly to higher education in California, but did I view him as a conservative? If that was the question, the answer is no. He behaved in unpredictable ways. It was not unknown for a department to come to a member of the legislature. There are processes every governor has these processes for the bureaucracy to send something up the chain of command that's an approved position and so on. So the legislator would have every reason in the world to believe he was carrying the administration's bill. Then suddenly get a call at home at two or three in the morning and it's the governor and do a complete flip flop. And the governor winds up vetoing a bill that had been characterized by everybody up to that point as his bill.

de GRAAF: Can you recall an example?

JOHNSON: No specific example, but it was a common complaint.

de GRAAF: More common with him than with other governors?

JOHNSON: Oh, goodness, yeah. I don't recall those kinds of complaints about others. One proposal comes to mind. He read a book about Mediterranean cultures and decided that what we really needed in California was injection of water to preserve the underground water table. He put forward a proposal, a one size fits all proposal. Well, my God, we've been doing it in Orange County since 1947. Because he read a book, unaware. That was a typical kind of Jerry Brown flaky thing to do. I think it was Mike Royko who coined the phrase "Governor Moonbeam." Boy, it took hold. He was Governor Moonbeam to everybody, Democrat and Republican.

I didn't dislike anybody, and I've been known to sit and have a drink with the governor on an evening, which he did. He would go out and

That was not characteristic of any governor that followed him. But now Schwarzenegger is doing that. There are frequent Schwarzenegger sightings out in the evening at restaurants and bars.

de GRAAF: Wilson didn't do that?

JOHNSON: No. There's a big difference between Schwarzenegger and Jerry Brown in terms of the way they do it. Jerry was just out in the Torch Club or in David's Brasserie or Frank Fat's. These are watering holes around the capitol. Elish's was a place. The governor would just wander in and sit and have a drink with you. Schwarzenegger has a security detail surrounding him at all times. And I guess they're legitimately concerned that he is such a recognizable figure. I'm sure that there are tourists who might find themselves in Frank Fat's or in the Torch Club, which was kind of a dive, and not realize that that guy sitting over there is the governor of the state. *Everybody* knows who Schwarzenegger is. I've never before seen such recognition, even with Reagan [when he was governor]. Tourists will come up and ask for his autograph. I doubt that there's ever been a governor in the history of the state where people will approach him on the street and ask for an autograph.

de GRAAF: That's true. That's interesting. Let's go on to the Deukmejian administration. The first thing that I think some people will marvel at Deukmejian is he executed more than one thousand vetoes, mostly on line items, and was never overridden. Now, the question I have is, were there never any pork items that Republicans wanted that the governor vetoed that would have led them to break ranks and override his vetoes?

JOHNSON: Well, sure. There were people that people had asked to be included in the budget that were vetoed. By the way, not only was Deukmejian never overridden, but Pete Wilson was never overridden. In contrast, Jerry

Brown had been overridden. On a number of occasions Ronald Reagan had been overridden with Republicans voting to override the governor. I think that particularly in the assembly Republicans realized that their greatest strength was in the possibility of a gubernatorial veto. For that entire sixteen years of Deukmejian and Wilson administrations Republicans were always in a minority [except for the assembly 1995-96] so how could we influence the direction of legislation when clearly on most matters all non urgency matters the Democrats in the legislature could simply roll over the top of us. Well it was. You can do that but the governor's going to veto. To make that threat raising that possibility credible it had to be known that no Republican was going to break ranks on that.

I don't know if I've told you the story about my carrying. The Department of Veterans Affairs had come to me to carry a bond measure for Cal Vet loans. I was very supportive of that. Cal Vet loans were created back in the 1920s. We've never lost a dime on it. There's people that get these Cal Vet loans and then repay them. It's just a revolving process. It was one of the toughest things that I ever had to do. The governor was concerned about the overall number of bonds and notwithstanding that his Department of Veterans Affairs had come to me and asked me to carry that bond in the end he vetoed it. I was in the position of having to stand on the floor of the assembly. And the votes were clearly there. I'm trying to remember what year that was.

de GRAAF I think that was in '84.

JOHNSON That sounds right. [Assemblyman] Dick [Richard] Floyd a Democrat from the Gardena area South Bay area in Los Angeles County sort of made a career out of playing to veterans organizations. So there I am on

JOHNSON the floor of the assembly and Dick Floyd speaking in favor of an override of a gubernatorial veto of my bill and the gallery filled with all these veterans with their VFW [Veterans of Foreign Wars] caps or their American Legion caps on and I had to stand there and argue against the override of my own bill That was the last time that there was ever an effort to override a Deukmejian veto and there was never even an attempt made in the assembly at least to override a Wilson veto Because you couldn't have I would argue a more dramatic demonstration that we were going to stick together on this thing As it was, it came close as I recall to being overridden Then Floyd wound up carrying the administration's Cal Vet bond for a lesser amount [Chuckles] For my trouble I got the privilege of standing and arguing against an override of my own bill

The principal motivation for that was that that was a stick that worked both ways We could get the amendments taken we could alter the shape of legislation by threatening that we'll get the governor to veto this During the time that I was Republican leader both during Deukmejian's time and Wilson's time we would write letters urging vetoes of legislation We'd basically plug in the numbers This S B such and such would do thus and so and it passed the senate with a vote of and with thirteen Republican no votes so that would be in the bill file for the governor We with both Wilson and Deukmejian, had a pretty reasonable success rate in getting him to veto things that we didn't approve of He didn't agree with us all the time and he certainly signed bills that a lot of us opposed But both governors definitely took that into account in deciding whether to sign or veto legislation

I mentioned earlier with respect to the primary bill that Jones wanted Wilson had wanted Well the telling factor was Jones getting

enough Republicans to vote for the proposal sufficient Republicans to give Wilson cover because he wanted to run for president But he would have been very hard pressed if there hadn't been at least some Republican support for it It was a symbiotic relationship in both cases

de GRAAF One of the things that Deukmejian insisted on was a so called 'Rainy Day fund' a surplus in the budget Apparently each of his budget proposals contained a certain surplus in them is my understanding

JOHNSON Yeah I recall debates over what was the appropriate percentage for that but again you become vague

de GRAAF Do you recall much debate over whether we should have a surplus at all versus using revenues for other causes?

JOHNSON I recall debate about the size of the surplus that should be maintained versus should we be looking at tax increases My Republican colleagues if the option was we're going to have a 3 percent Rainy Day fund versus a 5 percent if the option was we're going to have to increase taxes to maintain this 5 percent then suddenly we didn't care about a Rainy Day fund I vaguely remember giving a speech on the floor of the assembly saying that that 3 percent or 5 percent or whatever it was that's not written in stone as far as I'm concerned

Now we all thought that having a fund for economic problems a fire or a natural disaster [was a good idea] But if you look over the time that I've been in the legislature the projections about revenue and expenditures have been so wildly wrong pretty consistently over that period of time just wrong Sometimes they have been far too optimistic and in other cases they've been far too pessimistic But boy it's hard to go back over the last twenty five years and say they were spot on with this

one You're talking about amounts of money that even a miscalculation of a percentage point or two winds up being a huge either windfall or a gap

de GRAAF Do you think this inevitable or that we didn't have the best Department of Finance?

JOHNSON Well it's just tough What's the old line? Predictions are difficult particularly when they regard the future [Chuckles] It's an inexact science You can have outside people who look at this economists at UCLA or wherever and they'll come up with one projection You have the legislative analysts come up with another set of predictions The Department of Finance will have their projection For a time what was it? the Commission on State Finance that Jesse Unruh had pushed for the creation of when he first got there I think that Wilson eventually just didn't fund it or took the funding away But they've all come up with different sets of figures and it's always been difficult to reconcile the differences because their assumptions are different

It's a silly example but Wilson's first term tax increase and soon we applied the sales tax to the sale of bunker fuel in California The analysis that was done by the Department of Finance was a static analysis How much bunker fuel was sold in California ports last year? Every gallon of bunker fuel that was sold we'll apply this tax to it That will bring in so much money Well these large ocean going vessels can cross the Pacific two or three times on a load of fuel They just stopped fueling in California They could fuel in Oregon or Mexico And the projections in terms of what that would produce in revenue were just flat wrong The same with the increase in the highest brackets of the personal income tax I think maybe it was Art Laffer who said it first but Tom McClintock often repeats it there's nothing in the world as portable as rich people and their

money. If we're going to sock it to the highest income taxpayer, it's easy for them to establish a residence at Lake Tahoe on the Nevada side, and that money's gone. Anyway, those kinds of projections are extremely difficult to make.

de GRAAF: That's an interesting sidelight on the whole issue of a surplus and so forth. Now, one of the big issues that seems to have been debated in terms of finances in the Deukmejian era was the cost of living adjustment on welfare, which I think had been put in under Reagan in 1971 and kept on. Were welfare expenses increasing substantially in the eighties during the Deukmejian years? I know it becomes an issue, and of course you will eventually come out with Prop[osition] 41. I'm looking for the background of it.

JOHNSON: It was rising. It clearly had risen over the last forty years pretty dramatically. But I think there was an underlying philosophical disagreement about welfare and how it should operate. The underlying philosophical assumption of Republicans, I think, and certainly my underlying assumption, is that the purpose of welfare should be to help those who, through no fault of their own, need help. There are some people who are going to need help always. There are some people who need help over a shorter period of time. The system ought to be designed to humanely treat the people who are going to always need that help, and the people who are able-bodied but maybe lack the training, or they have it to make them productive members of society in the shortest possible period of time.

I had great problems with AFDC (Aid to Families with Dependent Children), the program created back in the thirties, the underlying assumption of which was that a parent, usually the mother, in almost every

case the mother that it's better to give her a check each month so she can take care of her kids because not being able to take care of her kids how do you deal with that? is a problem I think that was wrong headed I still do If we assume that to keep that mother at home to take care of the kids then we have to assume that maybe she's not able to do anything else maybe she can't work as a secretary or as a waitress or whatever But the assumption has to be at least she can take care of kids So why not design a program where we've got two welfare moms one takes care of her kids and the other welfare mom's kids and that frees up one welfare mom to take a job even if it's just flipping hamburgers at McDonalds Just a fundamentally different perception

I look at huge numbers of people at that time and still to this day coming here from Mexico and from Central America You have someone who is unfamiliar with the English language unfamiliar with our customs our laws and our money who can arrive in Orange County California, from southern Mexico and within a day or two of effort that person's got a job is working It just was not conceivable to me that a lot of people whether they received general assistance or AFDC or whatever program were incapable of doing what some poor guy who may have walked half way across Mexico could do

It was my intent my push and a lot of my Republican colleagues certainly agreed with me that we needed to redesign a system that was compassionate that understood that some people are going to always have help but for the people who could wind up on their own two feet that we were going to do that in the shortest period of time possible There was enormous resistance to that

de GRAAF This was your Proposition 41?

JOHNSON Proposition 41¹ and I will tell you that Proposition 41 was one of the biggest The mistake that I made was My original notion was very simple just take a percentage of the average welfare programs in our sister states simple and straightforward I had leg[islative] counsel draft it and then I turned it over to a young fellow who to this day is still there He's a lobbyist now John Valencia was at that time the Republican consultant to the committees on health and welfare in the assembly and I gave him that draft which was a very simple straightforward draft He went over to the Department of Health and Welfare and came back to me with an entirely different draft all this complicated language What I wanted to do is something very simple I was foolish enough to be talked into no these are the experts over here they know what they're doing They say this is what you have to do to accomplish what you want to do

What I had argued at the time I used a quote from Frank Lloyd Wright who said that "architecture has accomplished the most precisely when the materials were most limited My argument was we cut the money and that will force the legislature to do the job they should have been doing all along to design an efficient effective compassionate program that would work and get people who could become self supporting self sustaining get them off welfare in the shortest period of time possible

I by the way should tell you that my original survey research showed that that was overwhelmingly popular with voters Then what occurred was there was an internal battle at that time in the California Hospital Association and they used the language in that to create that is the leadership of the hospital association to create an outside enemy

¹ Defeated November 1984

We'll unite we'll pave over our differences because we have to fight this guy Johnson. The ads were just horrific. They spent a bunch of money and I didn't have money to campaign for it. If I could believe what was in their ads I wouldn't have voted for it either. They had some poor young girl thirteen or fourteen years of age looking in the camera so pathetically and saying "I have to get kidney dialysis three times a week and now they want to take that away from me. Anyway it wound up losing overwhelmingly but that wasn't my intent at all. My intent was again to limit the amount of money that was available for the legislature for overall welfare programs and health programs wasn't something I wanted to impact because I thought that would force the legislature to do the job they should have done. Because at the time that really was an inefficient ineffective system. I didn't think that bringing us down closer to the national average was a bad idea.

de GRAAF: You wanted something like 110 percent of the national average in California?

JOHNSON: Yes.

de GRAAF: Did California at this time have one of the highest welfare payments in the country?

JOHNSON: Oh yes. *Oh yeah* by a significant margin. The argument was made that California had a higher cost of living than other states but an interesting thing to look at was the geographical disbursement of welfare recipients as a percentage of the population. Contrary to what you would think it was the rural the so called cow counties that had the highest percentage of their population on welfare and the reason was because you could live more cheaply in those communities so people would stay on welfare for years. That was not something that I supported and pretty universally my

Republican colleagues were opposed to that not opposed to having people get help

The other thing is that there was a tendency to assume that that cash benefit whether it was AFDC or general assistance or whatever it was, that that was all the help you got Well that was manifestly not so People got food stamps they got rent assistance they got child care assistance they got all sorts of other benefits on top of the cash benefit The debates always went something like this One of my Democrat colleagues would stand up and say, "Mr Johnson would you be willing to change places with this mother struggling with two children?" And I would say 'That's not the point whether I would be willing to change places with them Clearly I would not The point is what about the guy who marched half way across Mexico and is working at a minimum wage, or slightly above minimum wage job in California now? Would that person be willing to change places with her? I think the answer is yes, he would be ' I routinely said in these debates The amazing thing is that the work ethic is as alive and well as it is in California given the disincentive to go out and become self supporting You're going to be giving stuff up going off welfare And I argued we need to change that But there was a total unwillingness to do that to change that There was and is a welfare bureaucracy that has a vested interest in people having problems instead of encouraging them to stand on their own two feet

de GRAAF Did you initiate this as an initiative or did you first try to get it through as a piece of legislation?

JOHNSON I can't remember I presume I must have put in a bill, but think that from the very beginning my thought was that this was an initiative so I honestly can't remember It's not just bills, but colleagues and budget battles over

this subject and there was just a total unwillingness in the legislature to look at how can be make things better. It was just throw more money at them. That was the answer. Or create maybe an ancillary program, some new program. But it was never let's step back and look at this and see is it working? Are people's lives improving or are we just sustaining them at a barely human level?

de GRAAF Did you ever discuss this with Deukmejian? And if so, was he in sympathy with you or was he more concerned simply with the cost of living on welfare?

JOHNSON I may have been more dramatic in my position on it, more willing to kick over the table, but there's no question that he was sympathetic to the need to try to make these programs more effective, not only in the sense of cost effective, but in the sense of producing a better result.

de GRAAF One thing I know he did tinker with was so called "workfare." What was your position on that?

JOHNSON Well, I supported it, but the truth is, I don't think it accomplished a whole lot. I had a colleague at that time, Ernie [Ernest] Konnyu, assemblyman from the Saratoga area, and he had campaigned on workfare. He would have voted for anything that had the name "workfare" attached to it. I should say that the defeat of Prop 41, I believe, absolutely, there were two things that led to its defeat. One, my listening to Mr. Valencia and the bureaucrats who said that to accomplish what you want to do, you've got to do this, and then everything that I was attacked on was that. The debate never was about the fundamental idea of limiting the overall number of dollars available for a welfare program so that the legislature would be forced to create a better system.

It was that and then the fact that the hospital association people used me as not unlike declaring war on another country to avoid a civil war in your own country. The effects of those two things were that the California congressional folks Howard Berman and Henry Waxman changed the federal law to require maintenance of effort which had not been required up to that point.

de GRAAF Maintenance of effort by a welfare recipient?

JOHNSON No no. The government the State of California could not reduce what they had previously spent on welfare. It was because I scared the hell out of them with Prop 41. Now they were delighted with the results but afraid that I would come back with a cleaned up version or somebody would and it would pass. Again as I said the initial surveys that I did on Prop 41 showed it to be overwhelmingly popular. So the maintenance of effort thing [was enacted].

Then the second of course that I had Proposition 40 on the same ballot my campaign finance reform measure. I don't recall if we talked about this before but I'm convinced that in addition to the whole world jumping on opposing Prop 40 a big part of it was that editorial writers around the state who were intrigued by my Prop 40 wound up either not editorializing in favor or had come out in opposition to it because here's this devil incarnate who wants to pull the plug on the kidney dialysis machine. This looks good but there's got to be something wrong here. What's wrong with this picture kind of thing.

I think that I certainly would have done a lot better with Prop 40 had Prop 41 not been there. Then the fatal flaws of Prop 41 led at a federal level to the imposition of this maintenance of effort. And that was a real easy thing to do if you were a member of Congress because California had

the highest welfare payments in the country but if you're a congressman from Mississippi and you're way down here it's a cheap easy vote Hey we can maintain our effort What do they care if California has been required to maintain at a far higher level?

de GRAAF And it was some California congressmen that carried that bill

JOHNSON I don't know if Waxman's name was associated with it but it was certainly Waxman that made it happen

de GRAAF Okay There's a couple other things on Deukmejian One Deukmejian tried something which Wilson would also try and apparently Schwarzenegger is currently considering borrowing money from the Public Employees Retirement System (PERS) It didn't work and I'm wondering first of all what made PERS reserves such a target for obtaining funds?

JOHNSON There's a big pot of money there Just like local government go after that The courts have said you can't do it with the PERS It's just tempting

de GRAAF How would this have been done? Something like selling treasury bonds to the Social Security Trust Fund only on a state level?

JOHNSON I don't know

de GRAAF Okay Did you have any feelings or position on that one way or another?

JOHNSON I'm not for stealing pots of money just because they're there I have people who have in the current situation repeatedly suggested to me that some of these special districts around the state For example Los Angeles Sanitation District has reserves of well in excess of a billion dollars There are other special districts around the state with very substantial reserves People say well you can tap that But no I don't think if it's local The whole Willie Sutton line Willie Sutton the notorious bank robber was supposed to have said when asked why do you rob banks? he says

Because that's where the money is ' Proposals to grab money away from localities redevelopment districts as an example or to grab money away from special district reserves or the PERS I just don't think that's right

Although at the same time I think that what we're talking about collectively is all taxpayers' money There's a tendency to say this pot of money is here for this purpose this for that purpose and ne'er the twain shall meet But I just am very reluctant to try and change the rules retroactively I'll change them prospectively If you want to say we're going to reduce the state contribution to PERS I'll look at that because we're talking about taxpayers' money But to say let's grab it because it's there that's kind of a different thing

de GRAAF Okay Republicans in the assembly took a position in '90-'91 when California developed a budget deficit that rejected Deukmejian's request for a waiver of Prop[osition] 98 and essentially carried the debt over and also put Proposition 111 on the ballot, as you mentioned earlier breaking the Gann spending limit My understanding is that [Senator] Ken Maddy and the senate Republicans supported this compromise the assembly did not Do you recall what your

JOHNSON Can you give me more detail about it?

de GRAAF Because there was the budget deficit there was a question of how to deal with it Tax increases were rejected but so also was Deukmejian's request to waive Proposition 98 to suspend it in '90-'91 Instead what you did was to put forth Proposition 111 on the ballot to allow a spending increase particularly focused on transportation

JOHNSON That's right and a lot of Republicans supported that

de GRAAF But the assembly didn't. Again Maddy managed to get Republicans in the senate to go along with it. I was just wondering if you were significant in the assembly's

JOHNSON I assume that I was right in the middle of it but I'm kind of drawing a blank on it at this moment. I recall the 111

de GRAAF In fact the assembly vote on that both parties extremely close. It passed the assembly only 52-48 so there must have been considerable opposition to 111 in the assembly

JOHNSON Well there had been. I think in the June election that year a proposal that was defeated. If I'm remembering correctly 111 was on the November ballot?

de GRAAF I believe so yes

JOHNSON I think that's the case

de GRAAF No Pardon me. One eleven was on the June ballot June '90. It would hike the gas tax nine cents and increase the Gann limit

JOHNSON Right. Well there had been an earlier effort. I don't remember which election that was but it had failed and Republicans became increasingly convinced that the Democrat controlled legislature simply wasn't going to do anything with respect to reordering spending priorities and making more money available for transportation. You're right, because 98 had passed in November of '88 and that had effectively blown a huge hole in the Gann limit already. There was enormous concern on the part of a lot of Republicans that, unless we went along with some further modification including that increase in the gas tax the state would be in trouble

[End Tape 8 Side A]

[Begin Tape 8 Side B]

JOHNSON In transportation there was enormous gridlock and it tended to be often our constituents that spent enormous amounts of time locked on freeways creeping along at twenty miles an hour Not that we're not all that much better off today I remember a friend of mine back in 1976 who worked in advertising He created these radio ads for a housing development in Brea and it was "Live in traffic free Orange County " I mean that was the theme of these radio ads traffic free Orange County What a difference a few years can make

I recall [Assemblyman] Bill [William] Baker who was one of my colleagues in the assembly at the time he was from Contra Costa County was a major negotiator on that subject and a major proponent of it And this was a very conservative individual who in the normal course of events was very anti tax but became convinced that the majority was prepared to see total gridlock There was as you can imagine considerable support for doing something from the business community because it was dramatically increasing the cost of doing business I mean you've got a truck out here stuck in traffic you're not making money on that

de GRAAF Okay To jump ahead to the present there are now more and more writings coming out about the current transportation crisis and the same idea that transportation has been somewhat neglected in state funding Do you find that that's a rising feeling in Sacramento that once again something has to be done in transportation?

JOHNSON Well I don't think there's any doubt Every constituency of tax money everybody feels that they've been treated poorly But I think that any objective analysis would say over the last thirty years that transportation has really been the stepchild Going back to Jerry Brown's days the era of

limits and putting Adriana Gianturco in as Director of the Department of Transportation. To a lot of people in Orange County to say Adriana Gianturco was to say the devil incarnate. I actually found her to be an intriguing kind of a person. She was doing just exactly what Jerry Brown told her to do. It was interesting because she was the lightning rod. Everybody directed their anger at Adriana Gianturco, not at Jerry Brown. I do think that, in part, that was a result of resentment from legislators from metropolitan areas who viewed people, for example in Orange County, as white flight people who had moved out to Orange County to get away from the problems of the urban environment. They believed that there was an element of racism there and there was kind of a mental attitude of let them stew in their own juices kind of thing.

de GRAAF: I think you're probably right.

JOHNSON: Then I would say also, a genuine. I talked earlier about the welfare debate and I probably talked more about my side of it than my counterparts who genuinely believed that they were being compassionate and that we should have a focus on the social welfare programs. I think that any objective analysis would say that over that same period of time we've seen a dramatic increase in the costs of social welfare programs. Medi-Cal being a particular example of that. It's my belief and it's always been my belief that we can have both. It doesn't have to be either/or, but people defending existing programs tend to put it in those terms. It's what I call the Washington Monument syndrome. The first thing that you do when you've got a budget problem in Washington, D.C., is to put a padlock on the Washington Monument so that tourists can't go and they say, 'Sorry. Budget cutbacks.'

Here a lot of that is characterized in terms of it's all a result of Prop 13 Well the fact is that we take in a whole lot more money than we did before 13 But these are genuine philosophical differences about the nature of government Some of my colleagues feel they need to be very generous with somebody else's money and assuage their own conscience

[Senator] John Burton John I consider a friend We get along on a personal level very very well But there's just a great gap between us The most important thing in the world to him is poor people aged blind and disabled He thinks throwing money at them is being helpful I just don't necessarily agree with that

Anyway that contributes in part to things like transportation winding up on the short end of the stick The flip side of that is that a lot of my Republican colleagues would apart from the influence of the Correctional Peace Officers Association want to see appalling conditions in prisons Our prisons are a disgrace as it is I can remember one colleague of mine saying Well you know what I'd do? I'd have a policy in our prisons of SRO (standing room only) I'd put ten of them in a cell and give them all a razor

One of the first bills I carried when I was in the legislature was to eliminate double celling That got killed I don't think you ought to be taking your life in your hands once you're in prison but these So you've got on the one hand a guy like that and on the other hand you've got people who literally want to see conditions in the prisons get so bad that a federal judge says this is cruel and unusual punishment let people go Sometimes you do think the state is ungovernable

de GRAAF Yes All right back to fiscal affairs In the Wilson era one of the big things was at that time seeing a huge \$14 billion plus deficit by '91-'92

and the bargain that Wilson worked out for a temporary half cent raise in sales taxes and an end to some exemptions on goods and a short term hike in the I guess the half cent raise in sales tax was permanent and the hike in income brackets was for two years

JOHNSON You're talking about '91

de GRAAF Yeah '91 Now this was one with which you and the assembly Republicans did not go along right?

JOHNSON Well in the final analysis enough went along to make it happen There have been stories written about this about what the relationship was whatever I would challenge anyone to go back to that period in time and look at newspaper articles and find any comment that I made that was unkind or hostile to Governor Wilson In fact in the debate on the floor I said it's okay to vote no I'm going to vote no I may have told you this story before I was Republican leader [in the assembly] at the time and going down and meeting with him and he said Ross I really need your help If we put this together we won't have to revisit these budget issues now for another five years I said Governor you're wrong If we do this we're going to be right back in the soup a year from now It didn't even take a year It was a matter of a couple of months before we were in the soup

Governor Wilson came around by '93 to saying publicly he'd been wrong And I get along fine with Pete Wilson but he has never looked me in the eye and said Ross you were right and I was wrong Never But he has publicly said he was wrong

de GRAAF Did you have an alternative way of dealing with this \$14 billion budget deficit?

JOHNSON Yeah I would have argued for substantially more cuts I think that the package is misrepresented To this day people will say that that was dollar for dollar So it was a dollar cuts for a dollar taxes Well it wasn't anything of the sort I mean hundreds of millions of dollars of so called cuts were fees that were scored as savings To my mind it doesn't matter whether you call it a fee or a tax If it's something that you're forcing a citizen of California to give you it's a tax in my mind

I think the governor naively And I supported Pete Wilson There was a real movement in the party Run Pete run' were the buttons because Deukmejian had said he wasn't going to seek a third term And Republicans looking ahead to the issue of reapportionment were very eager to have an electable Republican candidate notwithstanding that there were some real philosophical differences between the majority of certainly assembly Republicans and Wilson They nevertheless all got in behind him We had a frustrating experience In my case I'd been there for twelve years having worked very hard to try and increase Republican membership and because we were playing against a stacked deck losing So having Wilson in was important to us I think he came in very naively and initially proposed I think about \$4 billion worth of tax increases and cuts

We had a very contentious meeting with the governor the members of our caucus The governor came in and talked to us and a number of us pretty forcefully said You just turned that into a floor not a ceiling His response and we were criticizing this he said Well but that's it That's our first and final offer We said It just doesn't work that way You have made that the floor not the ceiling So how far does it go from here?

By I think, any reasonable count the "here" that it went to was somewhere between eight and nine billion dollars

de GRAAF Of added state revenue

JOHNSON Yeah Except there were reasons that we opposed it apart from wanting to see additional cuts and efficiencies in state government We thought it was exactly the wrong thing to do in the height of a recession Pete Wilson didn't create the recession George Deukmejian didn't create the recession There were dramatic reasons for it the end of the Cold War which hit California particularly hard cutbacks in defense and the aerospace industry and all of this It hit badly But increasing taxes in the midst of a recession is just exactly the wrong thing to do What we wound up doing is we took in less revenue in spite of having [higher rates] I mean it didn't work

And that's what led Wilson by the time he was getting ready to seek reelection to concede that he'd been wrong As I say he's never looked me in the eye and said "Ross you were right" But as a dues paying member of the Republican State Central Committee whether I attend or not I got all these mail pieces from the state party signed by Pete Wilson asking me to help him pressure the legislature to do cuts [Chuckles] Again I get along fine with Pete Wilson but it was frustrating to have in a very civil way to have attempted to persuade him that that was the wrong way to go and then to wind up being replaced as the Republican leader because I had dared to vote no Then over the next couple of years in these mailings trying to convince me that I ought to be doing what I had try to convince him to do

[Proposition] 187 is another example of that Pete Wilson will be forever associated with Proposition 187 But that is a distortion of the

history of it as well. He was dragged sort of kicking and screaming to support 187.

de GRAAF: Dragged by whom?

JOHNSON: By Republican candidates who were quite successful in using the issue of illegal immigration in primaries. He had candidates that he was pushing. He was going to remake the image of the Republican party. He was supporting quote "moderate candidates" in a number of races. And in virtually every instance the conservative candidates won, and many of them were using that issue. Then his political handlers, the George Gortons of the world, looking at surveys, said, "This is where the parade's going, we better get out in front of it." It was not something that he on the natural supported or would have supported. But he had a reelection to think about. The irony of it is that again, as I say, he is totally identified with 187, particularly in the Hispanic community.

de GRAAF: Yes, very definitely. One other budget issue in the Wilson period, there was a lot of flak on this in the local level, and I'd like to know your recollections. That was that one of the ways he eventually worked out the budget balancing was to take money back that had been designated for cities.

JOHNSON: It was like a three-cornered swap. The so-called ERAF [Educational Revenue Augmentation Fund].

de GRAAF: Yes, ERAF was the best example of that, perhaps. Was this ever openly debated in the legislature? Or was this something the governor was able to do on his own?

JOHNSON: Oh, the take-back?

de GRAAF: Yeah.

JOHNSON Oh yeah these were hotly debated I can't remember how the votes all went down but the reverberations are going on to this day There will be a ballot measure in November that's been placed there by the League of City and the County Supervisors Association to sort of from their point of view staunch the hemorrhaging and protect them in the future from having their funds grabbed by the state I mentioned earlier redevelopment being an example Here's this money and we can grab that we can call it a loan we can do this There is a tendency in Sacramento once you get there and it doesn't matter if you're a Republican or a Democrat to start thinking of the money as *your* money instead of thinking of it as our mutual constituents

I'm involved right now in a bipartisan working group that involves [Senator] Tom Torlakson [Assemblyman] John Campbell from Orange County and [Assemblyman] Darrell Steinberg from Sacramento trying to see if we can seize this opportunity to try and redefine some of the fiscal relationship between or among local government and the state Governor Schwarzenegger has been involved in separate negotiations with particularly the County Supervisors Association to a lesser extent with the cities We're hoping to still affect those negotiations to the extent of some reallocation of the sales tax the distribution of the sales tax to impact this fiscalization of land use issue that I mentioned earlier

Now I'm very sympathetic to local government very sympathetic to the cities Although I think there's a tendency on their part to cry wolf a little bit When I look at the kinds of salaries that city administrators and assistant city managers fire chief and police chief you go pretty far down the bureaucracy they're not as destitute as they would portray Nevertheless I'm sincerely sympathetic to them because I believe strongly

in the notion of local control. I believe that the services that most people care most about are the services that are provided by local government. And I don't believe they should be vulnerable constantly any more than schools. One of the great problems in school financing is the unpredictability of that funding.

de GRAAF: This much said, what was your attitude on reducing the vehicle license fee [VLF] which of course had been a mainstay of local government funding?

JOHNSON: I supported the reduction in the car tax. I thought it to be an unfair tax and certainly an unpopular tax. It's among the most unpopular taxes that we have. I argued at the time that we should have then a constitutional amendment to protect the backfill, not just have the backfill in statute but put it into the constitution. I had meetings with city council members from not only Orange County but around the state urging that we try and do that. I was opposed to the ERAF shift. I was absolutely supportive of a constitutionally protected backfill, but I thought the car tax to be wrong and again very unpopular.

I think too by the way the increase [in VLF] that Governor [Gray] Davis did was just flatly contrary to law. I think that a lot of the analysis that we've seen about Schwarzenegger rescinding of that increase missed the point entirely. It's characterized as adding \$4 billion to the shortfall. I think the correct analysis is it probably over time reduced the shortfall by \$12 to \$16 billion because I and a lot of my colleagues had joined in a lawsuit to overturn the increase that Davis allowed to happen, the immaculate tax increase that nobody took credit for, which was in stark contrast to Davis breaking his arm patting himself on the back when it had been reduced. In fact, he tried to insist on there being a notice that went

JOHNSON out with the refund check. He wanted it to be a refund and he wanted to have a notice in there that said this is as a result of legislation passed and signed into law by Governor Davis. So I introduced a bill when they were contemplating the increase in it to have exactly the same thing. If you're going to increase it here, this is it, this increase is a result of Governor Davis.

The point is that by Schwarzenegger rescinding that and that it wasn't going to be collected, if it had continued to be collected while this case wound its way through the court system, at some point four or five years later, we would have had to repay that plus interest, because I'm absolutely convinced that it was being collected illegally.

It's like years earlier the imposition of the so-called smog impact fee, putting a surcharge on people who would move in from Oregon, say, and okay, charge this fee. In the debate on the floor in the assembly, I said, 'This is clearly unconstitutional. You can't do this. I mean, it's a violation of the United States Constitution, your ability to move about freely, the Interstate Commerce Clause. You can't do this.' I said, 'The first superior court case, this is going to get tossed out. Well, it did. Then we had to repay it. This attorney from San Diego got his multimillion-dollar fees for proving in court what I said for free on the floor of the assembly.'

You may remember that got to be really a controversy with Davis because I think it was \$80 or \$90 million. Initially, they were going to get fees for this, and they filed this class action lawsuit. Well, the same thing was there in terms of the VLF. I argued the correct analysis is by rescinding it, Schwarzenegger saved the creation of a huge increase in the hole down the line.

de GRAAF That's an interesting analysis. Okay. Going on to Davis then. The state spending increased from '96-'97 up to 2000-2001 essentially along lines my figuring has that income tax revenues didn't quite keep pace but fairly well ran along yet there was wide perception particularly from Republicans that the increased spending in the first Davis administration was excessive or wasteful. Do you agree? And what would you single out from the early years of the Davis administration as excessive or wasteful spending increases?

JOHNSON Well, Tom McClintock has a habit of saying there's no line item in the budget that says waste, fraud, and inefficiency. It was just across the board. I mean the huge increases in government spending across the board and no thoughtful analysis at all about what we could cut. This past year on the question of tax increases I've said this repeatedly no one's ever heard me say I wouldn't vote to raise taxes. But the question is why in the world should I vote to raise taxes until I'm convinced that we've done everything we can to make government more efficient to reduce that fraud, inefficiency, and waste that's there.

An example the huge increase in Medi-Cal expenditure. We have estimates that run to \$10 billion a year in Medi-Cal fraud. Now there have been a few half-hearted attempts you know we'll add some investigators and we'll do this and that. I'm not talking about I'm not suggesting fraud by individual recipients. I'm talking about organized criminal gangs who are ripping off the system and the kind of horror stories there of a young girl ten years of age undergoing dental work without benefit of any anesthesia. It's a racket. This happens to be the daughter of an Hispanic woman with very limited English and comes a knock at the door. "I'm from the Medi-Cal office and we've got a van and we can take your kids

You got any children that need dental work? And they take them to this it turns out it's an unlicensed dentist using a license that I mean these kinds of things happen all the time the ordinary over the counter shoe insert being billed to Medi-Cal as a \$250 custom orthopedic device or eyeglasses these kinds of things And no real effort to root that out

These very generous contracts for example with the Correctional Peace Officers Association Just the changing of the sick leave policy and the policy of overtime has added hundreds of millions of dollars to the costs of the operation of the prisons Now we're beginning to see some reaction to that in the legislature But when I raising these issues two or three years ago it was like bleating into the wind

I can make just sort of a general comment too about the way budgets go together I think there is a huge misconception about how budgets go together First of all you have budget committees You have lopsided majorities in the legislature to begin with The budget committees are constructed in a way to extend those majorities so that the minority winds up with even less Then the work is done in subcommittees An amendment to that portion of the budget bill before that subcommittee can be done on not even a majority vote it's the majority of those present and voting in the committee The whole process is enormously delayed by this May revise So here we are now in early May and next Thursday the May revise will come out

de GRAAF Oh it doesn't come till the middle of the month?

JOHNSON Yes It's next Thursday [May 13] that it's due to be released My impression is they're going to release some of it on a broad form and then more detailed a week from today on Friday But that comes late in the process Then you go through You've got some items where the

assembly version and the senate version are in agreement so those are off the table for a conference. Now occasionally we have a more open conference and there are more disagreements. But in theory the purpose of the conference committee and it always goes to a conference committee is to resolve the differences between the assembly and senate versions of the budget. Then it comes to the floor for the first time in the whole process and this frequently is sometime in late June past the constitutional deadline of the fifteenth of June and it's presented to the minority party take it or leave it. That's the first time.

See this is what I mean when I say I think there's a huge misunderstanding about how the process works. There is universal condemnation. Well it takes a two thirds vote to pass a budget. These obstructionist Republicans one third plus one can block a budget. But when that conference committee report comes to the floor that's the first time that the two thirds has any meaning at all.

Now if you want to develop a bipartisan budget back up as you're going through the process of the subcommittee and if not a two thirds vote at least require a majority of the members of the committee. It would be a whole lot better if it were a two thirds vote. I would be a whole lot better if the budget committees were an accurate reflection of the partisan divisions within the house. But this is the game that Republicans have had to contend with for the entire time that I've been in the legislature and going back before I got there.

de GRAAF: Is the governor's budget when it first comes out in January I think it is is this not made known to all of the members of the legislature? Don't you receive a copy of it?

JOHNSON Oh sure sure And it's required to be introduced by the chairman of the Budget Committee It alternates One year it will be the chairman of the Senate Budget Committee They're required to put that in but they're not required to like it It's just they introduced it And they can say as they introduce it I think it's just a pile of manure Everybody's got that But not everybody gets the opportunity to serve on the Budget Committee and to vote on these things No one ever ever has the opportunity to vote on the governor's budget as proposed It's a vote on the governor's budget as massaged by the budget committees in the legislature and ultimately massaged by the Budget Conference Committee So out of a hundred and twenty legislators six get to actually cast a vote on the final form that that bill's going to come to the floor

Now as a practical matter you have the Big Five¹ and they negotiate things But a lot of the details never come to the attention of the Big Five because I've served in that role in both houses of the legislature The fact is that it's just not accurate to say that Republicans for example as the minority had any meaningful opportunity to participate in the process We're in to May at this point and Republicans Actually the subcommittees this year have left a lot of items unresolved entirely but to the extent that any items have been resolved typically the Republicans wind up on the short end It's as if their vote doesn't count It comes down to very late in the process and facing the deadline and then it's Well we've decided this and you're obstructionists if you don't go along with it

¹ Assembly Speaker President Pro Tem of Senate Governor and Minority Leaders of Assembly and Senate

Let me also say by the way I wouldn't have a problem with a majority vote on the budget if the same majority could change the underlying law so they could change the priorities in that budget. Then they'd have to be totally responsible for the choices that they make. But it takes two-thirds vote to change the underlying law on an urgency basis. So absent the change on this side—that is the auto pilot side—a change to a majority vote just makes it easier to maintain the status quo or extend the status quo of the auto pilot expenditure.

de GRAAF: A few other things on the Davis period and then maybe wind up all these things. The energy crisis in 2000-2001—in what way did that—if at all contribute to the deficit which soon after began to appear in California government? Did the contracts with energy companies involve government funds?

JOHNSON: It did initially but no. I don't think you can make a case that that's what contributed to the deficit because ultimately that winds up on the backs of the rate payers of the utilities. So the answer is no—it did not contribute to it. The principal reason was the collapse of the dot com bubble—the high tech bubble that had fueled over several years a huge increase in the personal income tax in California—people exercising stock options and all of this. Some of us warned consistently for several years that this was kind of folly to presume that this would go on. Interestingly enough Governor Davis himself had warned that this was folly and then just rolled over to members of his own party in the legislature and got the bare minimum of Republicans to go along with what he had agreed to with the Democrats. The principal reason that we're in the position that we are today is committing those windfall taxes to ongoing programs.

de GRAAF By the way did Davis ever suggest like Deukmejian, having a rainy day fund or anything like that that you recall? During the early years when all the tax money was coming in?

JOHNSON I think he suggested it but was easily persuaded that well okay we'll spend it Salary increases expansion of programs expansion of eligibility for programs not saying no to a whole lot and then the day of reckoning came as it always does I have a lot of friends and even a few relatives who made a lot of money in theory I was sort of like Pandora or whatever [Laughter] This isn't going to last You look back at the history of this country at various bubbles that we've had They tend to parallel leaps forward in technology Investors get all excited about this new technology and they're going to get rich And some of them do But it never lasts and it didn't last in this case with all these dot com companies If you had the right timing and got out at the right moment you did very well Unfortunately the State of California didn't get out They were addicted to the revenue

de GRAAF Do you recall that yourself or anybody else when the bubble first Of course it wasn't exactly obvious the bubble had burst but certainly by the end of 2001 I think people could see that revenue was going down Were serious efforts made by anybody in the legislature to cut state spending?

JOHNSON No On the part of the present majority? No not at all One hates to admit that after so many years up there but Republicans were left making these arguments to no effect Very little attention from the media to our protestations and the Democrats just living it up in kind of a fantasy world that somehow was going to go on forever As I said of the budgets in that time period Republicans basically opposed them to no effect In the senate two Republicans voted the first year for a budget and all the rest of us left

sort of sputtering in indignation. But Governor Davis had negotiated with the Democrat leadership in the legislature and simply ignored the Republicans and then went around to pick one or two off. The next year it was one

[End Tape 8 Side B]

[Begin Tape 9 Side A]

JOHNSON You asked the question about the energy thing and I think that needs a little commentary. Schwarzenegger is addressing this currently. Last week he sent a letter to the PUC [Public Utilities Commission] commissioners outlining what he thinks needs to be done in terms of energy. I think he believes a lot of this can be done administratively and through the PUC but some things are going to have to be done by law. When the legislature passed energy deregulation something that was being pushed enormously by business in California energy costs electricity costs in California were like twice what they were in the rest of the country. [Senator] Steve Peace had these marathon sessions gestalt kind of therapy where everybody would be stake holders and would sit around. It was just like a death march where you'd sit around till one two three o'clock in the morning in endless discussions.

de GRAAF He was a big pusher of deregulation?

JOHNSON Oh yeah of the final bill. The interesting thing is that the author of record of the bill was Jim Brulte who was still in the assembly at that time but the true legislative architect of the plan was Steve Peace. The major flaws were put in at the insistence of the investor owned utilities. Bob Foster who was a lobbyist for Southern California Edison Company wound up getting a very generous bonus and a nice promotion from Edison Company.

JOHNSON for getting what they wanted in the proposal. I'm highly critical to this day of Edison's revisionist history about how they were put into the spot that they were.

I voted for it. I voted for it because I was being told that this was the best that could be accomplished and I felt that a deregulated environment was going to be beneficial to not only business customers but average customers as well and that has proven to be the case in other areas around the country. But the California version was fatally flawed. It was one foot in a deregulated system and one foot in a regulated system guaranteeing [problems]. One of the elements was stranded costs of utilities. "Well we've invested in this on the basis that we [investor owned utilities] would be guaranteed the return so you can't just leave us in the lurch here."

The actual roots of the crisis that developed however was the PUC's unwillingness to allow the utilities to enter into long term supply contracts. When the crisis began to develop it started first in San Diego because San Diego Gas & Electric [Company] was the first to sell off their generating facilities. The PUC and Governor Davis were frozen into inaction as the spot market prices for energy started to go up and there's no question there was some manipulation of that. Part of it was other factors. But it would have been a minor blip if Edison and PG&E [Pacific Gas & Electric Company] and San Diego Gas & Electric had been allowed to enter into long term contracts instead of a spot market which was still relatively low. The PUC and Davis were afraid that they'd wind up being criticized if they allowed long term contracts and then the price fell.

What happened over the short time is the prices dramatically increased. So the contracts that were negotiated in haste by the Davis administration wound up at ridiculously high prices locking ultimately

rate payers of these utilities David Freeman was his negotiator and in public hearings we interrogated him sharply and basically he admitted that the governor didn't care about the details of the contracts He just wanted to negotiate contracts

So what really was the cause of that crisis the rolling blackouts and all the rest of it was first the unwillingness of the PUC Davis appointees and Davis himself to allow for long term contracts fiddling and delaying and hoping somehow like the ostrich that buries his head in the sand that this was going to go away Then when it became obvious even to him that it wasn't going to go away panicked overreacted and entered into these ridiculous long terms contracts at a time when the prices were at their highest

de GRAAF I wondered about that too That's an interesting sidelight to that Now just a couple of things I'd like to close with that I know you've been important in, and one of them to go over to crime was the Three Strikes Law First of all this was first passed by the legislature I believe and then put out the same year '94 as an initiative?

JOHNSON No The legislature was reacting to the initiative which I believe at that point of the legislation actually had qualified It was started by a gentleman in Fresno Mike Reynolds by name Mike Reynolds had a daughter who was killed in a shooting outside I think of Denny's restaurant in Fresno by a repeat offender who was out on the street Mike Reynolds was a photographer owned a photography studio and just really got behind this idea of a Three Strikes Law

I had a bill which would have applied the three strikes to serious or violent felonies [Assemblymen] Bill Jones and Jim Costa who were both from Fresno and therefore being local representatives from Fresno this is

JOHNSON who Mike Reynolds came to first basically put in word for word his language There was a third proposal also relating to serious or violent crimes and that was put in by Assemblyman Dick Rainey He was a former sheriff of Contra Costa County So we had these series of hearings We'd go from one committee to the next and it would be 80 percent of the time spent on the Mike Reynolds version carried by Costa and Jones and then maybe 15 percent spent on Rainey's and then 5 percent on mine Then on each committee they passed them all All three of them passed There were negotiations that went on as I recall with some legislators trying to get Reynolds to hold off Eventually though he was going on the ballot and the legislature was very eager to get out in front of that curve and therefore passed it

The irony of it was that in subsequent years after it had passed Democrat colleagues of mine in the senate who hadn't given my proposal the time of day were suddenly giving speeches on the floor Senator Johnson had the right approach to this I preferred Senator Johnson's bill [Chuckles] [Senator] Milton Marks and [Senator] Diane Watson 'Oh Senator Johnson had the right idea ' Well you know it would have been nice if you had said it at the time

I was a co author of the other two proposals as well I argued in support of my measure that my measure represented the minimum that we should do in the area I argued that I was prepared to support any one of the proposals that I believed the deterrent value of that three strikes was going to be very real I believe the experience of the passage of Three Strikes has been that it has helped reduce crime For the first time instead of criminals coming into California you had people leaving for fear of the Three Strikes

There's an effort currently underway to lessen Three Strikes to weaken Three Strikes. I think it's very deceptive, the committee that's been formed to do this. I mean, their desire is to weaken it, but the name of their committee is, I think, Citizens Against Violent Crime. They argue people have received disproportionate sentences for relatively minor crimes. Certainly there are some examples of that. But in other contexts, there are strict liability consequences. You made a decision, you got two strikes and you want to. The example that's used most frequently is about the guy getting the twenty-five years to life for stealing a pizza, but what they don't talk about is *how* he stole the pizza. It was a forceable robbery from a young girl, okay? So it wasn't just, hey, nobody's looking, I'll take this pizza. There are clearly examples of that.

I argued in favor of the Three Strikes proposals that we don't have these vast numbers of criminals in California. We have a relatively much smaller number of criminals who repeatedly commit crimes.

de GRAAF: That is statistically proven?

JOHNSON: Oh, yeah. I had very specific anecdotal evidence as well. This was in Tustin, in that timeframe, where the police caught a young man committing a residential burglary, and in the course of their investigation found that he had kept a diary of the homes that he had burglarized. In the period of a few months, he had burglarized like seven hundred. Interesting, and also anecdotal, in Ventura County, not strictly speaking legal, but a sheriff arresting people over the course of a weekend, there was a connivance of a judge who went on a convenient fishing trip. So you had people arrested on Friday and Saturday night that wound up not getting out until Monday. And the crime rate that weekend dropped dramatically.

There's not a doubt in my mind that that's the case that people and there are a lot of reasons certainly drugs is a reason but it's people who commit repeated offenses Obviously there are examples of a guy who on a Saturday night gets mad at his wife and beats her up or shoots her That's a one time experience never going to happen again in his life But the kind of people who commit residential burglaries or who commit armed robberies or commit rapes or felonious assaults are not likely to do it once and never again

de GRAAF That's interesting The fact that your initial law though, only was on violent crimes did you have any misgivings that Three Strikes as proposed by Reynolds might unfairly target minor offenders?

JOHNSON I think my bill was the superior bill I'm not going to say that it wasn't But I argued literally as we went from committee hearing to committee hearing it was just like this show with the three bills I argued each time this is the minimum of what I think we should do Now had my bill passed there wouldn't be these attacks on Three Strikes that there have been But do I support Three Strikes as it exists? Absolutely

de GRAAF Now I know that this trend that had begun more than a decade before Three Strikes but that trend I refer to is the steady growth of the prison population in California, and of course along with it the expenses of prison Did this become a significant issue in the debate over Three Strikes?

JOHNSON Yeah It absolutely did The opponents particularly in the legislature talked about the huge costs that this was going to result in and the huge expansion in the prison population They made these projections notwithstanding that the huge increase in the cost of the prisons had an awful lot more to do with the power of the correctional peace officers the

guards union than increased prison population as a result of Three Strikes I said at the time This is amazing to me that this argument's being put forward by people who have never met a government expenditure that they didn't like

I don't think that a credible case can be made that the increased costs of prison today are a result of Three Strikes I think that the principal cost is the incredible sweetheart contracts that the correctional peace officers have received and just the god awful inefficiencies of the prison system You're beginning to see more and more of this coming to light now You shouldn't be taking your life in your hands because you're put into a California prison The truth is you do The prisons are run more by the prison gangs than they are by the prison authorities There is no more rigid bureaucracy hierarchical bureaucracy anywhere than there is in the prisons where you've got so many subgroups The sergeants are organized the guards the lieutenants the captains Then it's the blacks and the Hispanics and the Asians I'm talking about the guards the employees all these different subgroups There are huge huge inefficiencies

In my first term in office I went and toured I think every prison in the state and just the physical designs of these prisons are counter intuitive They make it more difficult not easier to control the prison population There are a lot of problems with the prison system

de GRAAF Is that something that currently Schwarzenegger is looking into at all?

JOHNSON I have a notion yes Number one he has said publicly now a number of times that he's going to insist upon a renegotiation of the guards contract So far at least publicly they've resisted that and said we're not going to do it we're not going to give back

On the cost of overruns I put out a piece last year I had this series of press releases that I put out called Governor Gray Davis and the Red Ink Diaries Every one of them was based on newspaper accounts of waste fraud or inefficiency in state government I put out one about a huge deficiency bill from corrections Corrections spokesmen responded and put out a press release attacking me and said "Well we do this all the time And I put out another press release and said Thank you That's my point ' They do it all the time The budget passed by the legislature and signed by the governor becomes sort of irrelevant to them Well we're going to spend this money because by God we say we're going to spend it

de GRAAF Year after year that's been consistent?

JOHNSON Oh absolutely Consistently In fact as I say when I put this out a year or so ago that was the response from Corrections was to say "We do this all the time Duh!

de GRAAF One more thing I'd like to say I'll skip over the rest of corrections to one thing that may surprise a lot of people and that is that you have some environmental kudos one of which was assistance in creating Chino Hills State Park?

JOHNSON Yes

de GRAAF When did that come about Ross?

JOHNSON My very first term in the legislature I suppose if I look back over my time in the legislature now we're talking twenty five and a half years in the legislature I've fought a lot of battles I've won some incremental victories here and there but the most concrete thing that I can point to and say "That happened because I was in the legislature was Chino Hills State Park I kept at it relentlessly each year a little more and a little more

getting money put into the budget to acquire another parcel until we wound up with ten thousand acres

de GRAAF It was bought in increments?

JOHNSON Oh yeah Oh sure I tried to through the budget process do that in a way that effectively blocked the potential for development encroachment into it I argued that this had the potential for being ultimately the phrase we used was the crown jewel of the state park system because you have an area now in excess of ten thousand acres in state ownership that's within an hour hour and a half of millions and millions of Californians And that area is largely today as it would have appeared if you'd gone through there a hundred and fifty years ago

I argued that it made sense to aggressively acquire that land because it was situated as it is in parts of four counties Riverside San Bernardino L A and Orange County with development encroaching on all sides and the price of the land going up dramatically It made more sense to buy that than to be buying land in some northern California county where land prices essentially had remained constant for fifty years

I also argued effectively let's get the land in state ownership and worry about how we're going to develop it down the line That's still in my mind an open issue But that's an issue that's going to be decided long after I'm gone My preference would be to see greater access of the public to it Yeah I'm proud of that I'm proud that I was able to accomplish that

de GRAAF Well I think that completes our interview Thank you very much

[End Tape 9 Side A]

[End Interview]